

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

MAY 2, 2016

7:00 P.M.

• **6:30 pm – Finance & Administration Committee Meeting**

A. PLEDGE OF ALLEGIANCE

B. CONSENT AGENDA

1. SIGNATURES

2. SECRETARY'S REPORTS

a. April 19, 2016 Meeting Minutes

3. COMMUNICATIONS

- a. Acknowledgement of receipt of Hampden's council action to retain fishing rights
- b. Application for a renewal Victualer's license for Anglers Restaurant
- c. Acknowledgement of trails improvement work by volunteers in the Outdoor Connections program
- d. Information on the 11th Annual Stream Clean-up event May 7th

4. REPORTS

- a. Planning & Development Committee Minutes – *April 6, 2016*
- b. Infrastructure Committee Minutes – *March 28, 2016*
- c. Finance & Administration Minutes – *April 4, 2016*

C. PUBLIC COMMENTS

D. POLICY AGENDA

1. NEWS, PRESENTATIONS & AWARDS

- a. Presentation of award to Meghan Ireland of Reeds Brook Middle School – for her winning essay entitled "If I Led My Community...."

NOTE: The Council will take a 5-minute recess at 8:00 pm.

- b. Announcement by Hampden Recreation and the Lura Hoit Memorial Pool staff introducing the online program registration system MyRec.com

2. PUBLIC HEARINGS - *None*

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

4. UNFINISHED BUSINESS

- a. Consideration of a request by the immediate prior owner for redemption of tax foreclosed property located at 1037 Kennebec Road and further identified as Map 1 Lot 56 of the Town of Hampden's tax maps.
- b. RSU 22 Budget Discussion and upcoming RSU 22 Board meeting on May 4th, 2016

5. NEW BUSINESS

- a. Application for a renewal liquor license for Anglers Restaurant
- b. Amendments to the Zoning Ordinance regarding off-premise municipal signs – *referral from Planning & Development Committee to Planning Board*
- c. Amendments to the Zoning Ordinance regarding Accessory Apartments in Residential A District – *referral from Planning & Development Committee to Planning Board*
- d. Town Manager's presentation of the proposed FY17 budget

E. COMMITTEE REPORTS

F. MANAGER'S REPORT

G. COUNCILORS' COMMENTS

H. ADJOURNMENT



HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
MINUTES

B-2-a

TUESDAY

APRIL 19, 2016

7:00 P.M.

• **6:30 pm – Finance & Administration Committee Meeting**

Mayor Ryder called the meeting to order at 7:00 p.m.

Attending:

Mayor Ryder

Councilor Sirois

Councilor McPike

Councilor Wilde

Councilor Marble

Councilor Cormier

Councilor McAvoy

Town Manager Angus Jennings

Town Clerk Paula Scott

Alex King

Attorney John Hamer

- A. **PLEDGE OF ALLEGIANCE** – *Mayor Ryder led the Pledge of Allegiance.*
- B. **CONSENT AGENDA** – *Motion made by Councilor McAvoy, seconded by Councilor Marble to accept the consent agenda. Unanimous vote in favor.*

1. SIGNATURES

2. SECRETARY'S REPORTS

- a. April 4, 2016 Meeting Minutes

3. COMMUNICATIONS

- a. Best Western - Filibuster Lounge– Victualer's License Renewal
b. Hampden Children's Day Bowl-a-Thon
c. MMA Loss control visit & analysis
d. Report from Drumlin Environmental re: Pine Tree Landfill
e. Findings and Order – Dangerous Building – Map 21 Lot 8

4. REPORTS

- a. Planning & Development Committee Minutes – *March 16, 2016*
b. Finance & Administration Minutes – *April 4, 2016*
c. Services Committee Minutes – *March 14, 2016*

NOTE: The Council will take a 5-minute recess at 8:00 pm.

C. PUBLIC COMMENTS - None**D. POLICY AGENDA****1. NEWS, PRESENTATIONS & AWARDS - None****2. PUBLIC HEARINGS**

- a. **McLaughlin's at the Marina – Liquor license renewal** – *Motion by Councilor McAvoy, seconded by Councilor Marble to approve the liquor license for McLaughlin's at the Marina. Unanimous vote in favor.*
- b. **Sewer Ordinance Amendments** – *Motion made by Councilor Sirois, seconded by Councilor McAvoy to accept the Sewer Ordinance amendments as presented. Unanimous vote in favor.*
- c. **Fees Ordinance Amendments** – *Mayor Ryder recognized Alex King of Ichabod Lane who stated that he was against increasing fees for building permits and upfront costs on construction items. He believes that the current fees in place are reasonable. Motion by Councilor Marble, seconded by Councilor McAvoy to accept the Fees Ordinance Amendments. Discussion followed. Mayor Ryder stated that he was concerned with some of the building permit fees and code enforcement items. Councilor Sirois inquired as to how these fees line up with similar communities. After some discussion Manager Jennings stated that procedurally, the Council can vote to approve certain sections of the Ordinance, while they may also vote to table other sections. Motion made by Councilor Marble, seconded by Councilor Sirois to withdraw his prior motion. Unanimous vote in favor. Discussion followed and the consensus was to take each Article that had proposed amendments and vote them individually.*

Motion made by Councilor Sirois, seconded by Councilor McAvoy to accept the proposed amendments to Article 8, Pool. Unanimous vote in favor.

Motion made by Councilor Sirois, seconded by Councilor McAvoy to accept the proposed amendments to Article 1, Administration. Unanimous vote in favor.

Motion made by Councilor Marble, seconded by Councilor Sirois to accept the proposed amendments to Article 2, Activities Regulated by Ordinance. Discussion followed that some items within Article 2 may need further discussion or clarification. Councilor Marble moved to amend his original motion to accept the proposed amendments to

Article 2, Sections 2.1 through 2.5, seconded by Councilor Sirois. Unanimous vote in favor.

Motion made by Councilor Marble, seconded by Councilor Sirois to accept the proposed amendments to Article 2, Sections 2.7- 2.11. Unanimous vote in favor.

Motion made by Councilor Marble, seconded by Councilor Sirois to continue the Public Hearing to the May 16th Council meeting, to table Sections 2.6 and 2.12 through 2.12.7 and refer same sections back to Planning & Development committee for future consideration. Unanimous vote in favor.

Motion made by Councilor Sirois, seconded by Councilor McAvoy to accept the proposed amendments to Article 2, Sections 2.13 through 2.15. Unanimous vote in favor.

Motion made by Councilor McPike, seconded by Councilor Sirois to table Article 2, Sections 2.16 and 2.17 and refer same sections back to Planning & Development committee for consideration at the May 16th Public Hearing. Unanimous vote in favor.

Motion made by Councilor Sirois, seconded by Councilor Marble to accept the proposed amendments to Article 2, Section 2.18. Discussion followed. Motion made by Councilor Sirois, seconded by Councilor Marble to withdraw original motion. Unanimous vote in favor. Motion made by Councilor Marble, seconded by Councilor McAvoy to table Article 2, Section 2.18 and refer same section back to Planning & Development committee for consideration at the May 16th Public Hearing. Unanimous vote in favor.

Mayor Ryder noted for the record that there were no changes to Articles 3, 4, 6 and 7.

Motion made by Councilor Sirois, seconded by Councilor McPike to accept the proposed amendments to Article 5, Sections 5.1 and 5.2. Unanimous vote in favor.

- d. **Town Ways Ordinance Amendments** – Manager Jennings indicated to the Council that Attorney recommendations have been redlined in the ordinance. Motion made by Councilor Marble, seconded by Councilor McPike, to accept the proposed amendments to the Town Ways Ordinance. Unanimous vote in favor.
- e. **Proposed Street Opening/Utility Ordinance** – Motion made by Councilor Sirois, seconded by Councilor Marble to approve the

proposed Street Opening/Utility Ordinance. Unanimous vote in favor.

3. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. *Joan Reilly – Planning Board appointment – Motion made by Councilor Sirois seconded by Councilor Marble to appoint Joan Reilly as a full time member of the Planning Board. Unanimous vote in favor.*

4. UNFINISHED BUSINESS

- a. *Update on the RSU 22 Budget Process – Manager Jennings updated the council on the status of the RSU 22 Budget process. Their meeting has been postponed to April 26th at 6:00. He as well as officials from Newburgh and Winterport have been in attendance and received detailed information. He urges continued involvement from the public.*

5. NEW BUSINESS

- a. **Solarize Bangor Presentation – referral from Planning & Development** – *Councilor McPike presented information regarding the Solarize Bangor Initiative. Karen Marysdaughter is the contact person who is in charge of this program. They have same program in Freeport, Mid Maine and Mid Coast areas. They are asking for the support of the Town of Hampden to put information on our website and to be able to pass on contact information to anyone who is interested in solar power. They do the work, we are just a supporter. Motion made by Councilor McPike, seconded by Councilor Sirois to support the Greater Bangor Solarize program. Discussion followed regarding the need to present the contact information only and not to specifically endorse this or any other type of similar product. Discussion ceased and the motion was brought to vote. Councilors Marble, Wilde, McPike, and Sirois, and Mayor Ryder voted in favor of the motion. Councilors McAvoy and Cormier voted in opposition. Motion carries.*

Motion made by Councilor Sirois, seconded by Councilor McAvoy to take item D.5.b out of order and move it to the end of the agenda. Unanimous vote in favor.

- b. **Executive Session – attorney/client consultations- Pursuant to 1 M.R.S.A. § 405 (6) (E)** - *At 8:05 p.m., motion made by Councilor Marble, seconded by Councilor McAvoy to enter Executive Session*

under the authority of 1 MRSA § 405 (6) (E) for the purpose of attorney/client consultations. Unanimous vote in favor.

E. COMMITTEE REPORTS –

Services Committee- Councilor McAvoy reported on the meeting held April 11th. Discussions involved the Skehan Center, affiliate rec programs costs, and the upcoming Children's Day.

Infrastructure Committee – Councilor Marble reported that the Infrastructure Committee's next meeting is Monday the 25th.

Services Committee – Councilor McPike reported on the meeting held April 6th. Discussions involved the sign at the marina and issues regarding off-site signs for the two businesses down there being in the state's right-of-way. There may be options with signs being placed on private property. Discussed home occupations, flag lots, the Harbor Ordinance and the Solarize Bangor initiative.

Finance & Administration Committee – Councilor Sirois reported on the discussions regarding the sewer fund status update including financing options. Have been looking at current needs within the sewer system and the possibility of a special election. Discussed mobile food vendors on public property which will need further discussions. Discussions on the Historic district and the need to recall the Historic Preservation Committee. In the interim, the Services committee will take that role.

- F. MANAGER'S REPORT –** *Manager Jennings reported on the status of the on-line registrations for recreation programs. Reported on the status of the T.A.N note that the council approved late in 2015. In February we drew down \$650,000.00 of the \$2 million authorized. Since the tax due date of April 6th, we have paid back the T.A.N. in full and interest costs for that amount cost us about \$850.00. He reported on the upcoming Bowl-a-Thon on May 14th, the Stream Clean up on May 7th and the Hampden Children's Day on May 20th. The written report is attached to these minutes.*

G. COUNCILORS' COMMENTS

Councilor McAvoy – Reminded the public that the Town would be preparing a budget between now and June and public input is welcome. He also invited everyone to attend the forum on 4/30 at Angler's Restaurant and reminded everyone to shop local and buy American.

Councilor Cormier – No comment

Councilor Marble – Noted that the 30th Maine Volunteer Roll of Honor recently came out and 4 people from Hampden were recognized with more than 500 documented hours of community service. Those 4 people are Leland and Lisa Alley, Yvonne Crocket and Darlene Helms. He also noted that Nick Gilpin was name Bangor Daily News all Maine 1st Team.

Councilor Wilde – No comment

Councilor McPike – No comment

Councilor Sirois – No comment

Mayor Ryder – Reported that he and his wife recently took a trip to Lawrenceville, VA and took a tour of the Fiberight facility. He was very impressed with its cleanliness and has a good feeling about the company.

- H. ADJOURNMENT – *There being no further business, the meeting adjourned at 8:25 p.m.*

Respectfully Submitted,

A handwritten signature in cursive script that reads "Paula A. Scott".

Paula A. Scott
Town Clerk

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Town Council
FROM: Angus Jennings, Town Manager
DATE: April 19, 2016
RE: Town Manager's Report to Town Council meeting

This report is intended to provide brief updates regarding current matters of potential interest that are not otherwise addressed on the Council agenda.

Limited Online Registration for Recreation Programs to go live this week

Since executing a contract with MyRec.com a couple of weeks ago, a great deal of progress has been made and we expect to roll out the new site for online registration for Recreation Department programs as early as tomorrow. We will notify the Council and post this to the Town website and social media once it is ready to go.

RSU-22 Upcoming Meetings

The RSU-22 Budget Hearing will continue on Tuesday, April 26 at 6 PM.

Tax Anticipation Note Paid Off

After borrowing \$650,000 in February and March in order to keep current with the Town's financial obligations, we were able to pay off the Tax Anticipation Note in its entirety since the April 6 Tax Due Date. Total interest paid on this short-term loan was about \$850.

Children's Day Bowl-a-Thon

A Bowl-a-Thon will be held on Saturday, May 14 to raise money for 2016 Hampden Children's Day. More information available at facebook.com/HampdenChildrensDayMaine. Children's Day will be held on Saturday, August 20.

Stream Cleanup Saturday, May 7

The annual Stream Cleanup is scheduled for Saturday, May 7. GIS/IT Specialist Kyle Severance is leading this effort. If any members of the Council have a BBQ grill that you can lend us for the day, that would be helpful!



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

B-3-a

PATRICK C. KELIHER
COMMISSIONER

April 20, 2016

Paula A. Scott
Town of Hampden
106 Western Avenue
Hampden, ME 04444

Dear Ms. Scott:

This letter is to acknowledge receipt of the Town of Hampden's article to retain its harvesting rights, and is to advise you of the status of your alewife fishing rights for the 2016 calendar year. **The municipal waters of the Town of Hampden are closed to the commercial harvest of alewife and blueback herring in 2016.** Because the town has not stated that would like to close any waters to fishing, the town will follow General Law and DMR Regulations, and recreational fishing will be allowed.

This closure will remain in effect until the Atlantic States Marine Fisheries Commission determines that these runs are self-sustaining, based on the Departments recommendations. The Department uses the following criteria in determining whether a river herring run can be harvested sustainably:

1. Harvest populations must be self-sustaining and not supplemented by outside stocking. If a run had been stocked, no harvest will be allowed for at least one generation post-stocking (4-years) to determine that river herring are returning successfully on their own.
2. The total river herring count must be demonstrated to equal or exceed the estimated adult production of the spawning lake or pond for a multi-year period. DMR uses a production estimate of 235 fish/surface acre.
3. The run must be demonstrated to have a healthy spawning stock biomass, with a high survival rate (low mortality rate) and good representation of older age classes.
4. The run must have a demonstrated high repeat spawning ratio, where a proportion of adult spawning fish have spawned in previous years.

These criteria are determined by the Commissioner, with authority under 12 M.R.S. §6131 and Marine Resources Regulations Chapter 30, and are in addition to all legislation and regulations governing the take and use of river herring. The Department is willing to work with the town to form a plan to collect this information. Specifically, the town must establish an estimate for the annual river herring population. Examples of methods to accomplish this would be a visual count, video monitoring, or electronic counting. While the Department cannot perform this sampling, we can help determine the best method and develop a sampling protocol.

OFFICES AT 32 BLOSSOM LANE, AUGUSTA, MAINE
<http://www.Maine.gov/dmr>

PHONE: (207) 624-6550

FAX: (207) 624-6024

The recreational fishing for river herring in the town of Hampden will still be allowed under Title 12, Chapter 605, Subchapter V, MRS §6131, and Maine Marine Resources Regulations (Chapter 30), allowing take of 25 river herring per person per day for personal use only, using only dip net or hook-and-line. Under Title 12, Chapter 605, Subchapter V, MRS §6131, Section 3, recreational fishing is not allowed sunrise Thursday to sunrise Sunday, weekly.

If you have any questions or concerns about the alewife resources or management, please contact Michael Brown of this agency at 624-6341.

Sincerely,



Patrick Keliher
COMMISSIONER

cc Division II Marine Patrol
James Connolly, IF&W
Michael Brown, DMR

Good morning,

On April 4th the Town Council voted to retain fishing rights for 2016. I would like to also inform you that the Town of Hampden will use the same management plan as in 2015.

If there is anything else I should provide your department, please don't hesitate to contact me.

Paula A. Scott, CCM
Town Clerk
Town of Hampden
106 Western Avenue
Hampden, Maine 04444
Tel: (207) 862-3034
Fax: (207) 862-5067



CLERK'S CERTIFICATE OF VOTE OF TOWN COUNCIL

I, Paula A. Scott, Clerk of the Town of Hampden, do hereby certify that the following is a true and accurate copy of a vote taken by the Town Council of said Hampden, at a regular meeting held on April 4, 2016, a majority of the Councilors being present:

VOTED: Motion by Ivan McPike, Seconded by Dennis Marble,

that the Town of Hampden retain its fishing rights for alewives.

Result of Vote: Unanimous vote in favor

Dated: April 5, 2016

Paula A. Scott
Clerk, Town of Hampden

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



B - 3 - 6
Phone: (207) 862-3034
Fax: (207) 862-5067
email: info@hampdenmaine.gov

April 27, 2016

Angler's Restaurant
91 Coldbrook Rd.
Hampden, Me. 04444

Attn: Albert Hall

Dear Albert:

Your application for renewal of your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.A of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

Paula A. Scott, CCM
Town

Encl

VICTUALER'S LICENSE CERTIFICATE

No. 16-11

MUNICIPALITY OF HAMPDEN, MAINE

To all whom these presents may concern: Date: April 27, 2016

KNOW YE, that Angler's, Inc., doing
business as Angler's Restaurant has been
duly licensed as a Victualer at 91 Coldbrook Rd in the
Municipality of Hampden by said Municipality until May 18, 2017, and has
paid to the Municipal Treasurer the fee of Fifty Dollars (\$50.00).


Authorized Municipal Officer

CODE ENFORCEMENT OFFICER

TOWN OF HAMPDEN, MAINE

APPLICATION FOR VICTUALER'S LICENSE

DATE: 4/28/2016 PHONE NUMBER: 862-2121
NAME(S): Anglers Inc.
ADDRESS: 91 Coldbrook Rd.
NAME OF BUSINESS: Anglers Restaurant
LOCATION OF BUSINESS: 91 Coldbrook Rd.
SIGNATURE: [Signature]

(FOR TOWN USE ONLY)

*This facility has been inspected and meets ordinance criteria.

[Signature]
Code Enforcement Officer

[Signature]
Fire Inspector/Building Inspector

*All sewer user fees and personal property taxes are paid in full to date.

[Signature]
Tax Collector

[Signature]
Town Treasurer

Please return completed form to: **Town Clerk**
Town of Hampden
106 Western Avenue
Hampden, ME 04444

LICENSE FEE: \$50.00 Date Received/Fee Paid: APR 14 2016 / \$50.00



TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 5/2/16

Public Hearing: Yes No x

☐ Application for Liquor License

Expires 5/18/16

☒ Application for Victualer's License

☐ Application for Off-premises Catering

☐ Application for Outdoor Wood-burning Furnace License

NAME: Anglers Inc Albert Hall
Business Name Individual

ADDRESS: 91 Coldbrook Rd PHONE: 862-2121

MAP/LOT: 22-4 DATE: 4/19/16

DEPARTMENT REPORT:

Ø ISSUES NOTED

DATE: 4/22/16

BY: [Signature]
Title: CEO

BY: [Signature]
Title: FIRE INSP.



memo

Town of Hampden-Recreation Department

To: Hampden Town Council-Services Committee
From: Shelley Abbott; Recreation Director
CC: Angus Jennings; Town Manager
Date: 4/20/2016
Re: Acknowledgement of trail work by volunteers

Comments:

On Tuesday, April 19, 2016, 13 seniors volunteered to provide trails improvement work to the trail between the Lura Hoit Pool Field and the Town Office. These were participants in our Outdoor Connections program which is guided by local Hampden Resident, Jim Folsom. Jim has arranged several outings for this group since fall 2015, to help the senior population enjoy some of the outdoor beauty of the Town of Hampden, along with educating them on local history, the environment, and being a comfortable participant in outdoor activities.

The crew of 13 were able to remove 7 blowdowns and or leaning trees along the trail, clipped back the bushes, branches and raspberries, moved the foot bridge back in place, raised the bridge up on blocks, and set in rods to help prevent future wash out during the spring runoff. At the conclusion of the work session, volunteers enjoyed lunch together in the woods.

Crew members were Maureen Carter, Lois and Rich Cole, Jim and Mary Folsom, Ann and Neal Pratt, Bill and Susan Hall, Carol McLaughlin, Louise Cox, Phil Faulkner, Rachel Plourde.

I would like to extend sincere thanks to these individuals for the hard work and dedication in volunteering for this trail maintenance project, and commitment to the beautification and upkeep of the Town of Hampden trail system.



11th Annual BASWC Hampden Stream Cleanup

Saturday, May 7th

9 AM: Meet at Hampden Town Office Community Room, 106 Western Ave

NOON: Free BBQ (you worked hard so we'll feed you!)

Greet the Spring and your neighbors while making a difference!

Trash and debris left on the ground after a long winter will find their way to our beautiful streams and rivers.

We'll provide the gloves, safety vests, garbage bags, and lunch. You bring friends, parents, and kids!

JOIN US FOR A FUN DAY!

Free BBQ
& T-Shirt!

For more information contact:

Kyle Severance

Town of Hampden

Phone: 862-4500 x142

Email: gisit@hampdenmaine.gov

Planning and Development Committee
April 6, 2016
6:00 PM
Conference Room
MINUTES

Attendees:

Committee

Ivan McPike-Chair
 Greg Sirois
 Dennis Marble
 Terry McAvoy
 David Ryder

Staff

Angus Jennings, Manager
 Dean Bennett, Community Dev Dir (CDD)

Guest

Karen Marysdaughter, Solarize Bangor

1. Approval of March 16, 2016 Minutes - Approved
2. Committee Applications:
 - A. Resignation of Andrew Nelson, Planning Board - Noted
3. Updates:
 - A. Marina Sign Progress

The Community Development Director and Town Manager reported on their past and current efforts to assist Hamlin Marine and McLaughlin Seafood in establishing a sign along Route 1A. Communication with MDOT was reviewed and noted that it was not possible to comply with MDOT permitting/licensing requirements in order to establish a sign within the State Right-of Way.

Dan Higgins of Hamlin Marine and Kimberly McLaughlin of McLaughlin Seafood explained their situation. A dark area of the community, very little lighting and no signage makes it difficult for customers to find their location. Dan Higgins expressed his thoughts that due to the history of the location and the achievement of establishing a new park, the community should take pride in that location and celebrate the asset. He further described a number of community activities that could find a home there such as Children's Day, Farmers Markets etc.

It was the consensus of those in attendance, including a majority of the Planning and Development Committee members that we should move forward to the extent possible and create a sign design that would be acceptable to all parties. Kimberly McLaughlin indicated that she would take responsibility for getting a draft design and providing to the Committee. Once a design was completed, it would be submitted to the MDOT for approval as a Municipal (Governmental) Sign, as its primary purpose is to identify Turtle Head Park.

4. Old Business:

A. Home Occupation Revisions Draft

The Community Development Director provided the Committee with an updated draft of the Zoning Ordinance Home Occupation provisions which addressed the remaining issue identified by Town Attorney Bearor.

Committee Action: It was motioned and seconded to forward the Home Occupation draft to the town attorney and if approved, move to the Town Council for scheduling of a public hearing. Vote: 5-0

B. Flag Lots Amendment Draft

As discussed at the previous meeting, the Community Development Director presented a draft amendment to the Zoning Ordinance 4.3. Conditional Lot Dimensions and Rear Flag Lots establishing criteria and permitting processes for the creation of Flag Lots throughout the community.

Committee Action: It was motioned and seconded to forward the draft to the Town Council for Planning Board review and comment. Vote: 5-0

5. New Business

A. Karen Marysdaughter – Solarize Bangor

Karen Marysdaughter, representing Solarize Bangor, briefly presented the purpose and benefits of the Solarize initiative as she has previously discussed with the Infrastructure Committee. She asked for the Town's sponsorship of the initiative involving promotion of public awareness via social media. She further

indicated, should the town receive inquiries on Solarize Bangor, she would be the contact person on behalf of the Town.

Committee Action: It was motioned and seconded to endorse the Solarize project and forward to the Town Council with recommendation to approve. Vote: 4-1

B. Harbor Ordinance Discussion

B. Harbor Ordinance Discussion

Manager Jennings presented draft amendments to the Harbor Ordinance, following on direction from the P&D and Infrastructure Committees in October, intended to scale back the Town's responsibilities for the Harbor to reflect actual past practices in the administration of the Ordinance. He advised that the Maine Statutes require that the Town of Hampden designate a Harbor Master, with appropriate certification, to respond to requests for mooring locations along the Hampden waterfront.

Members of the public were in attendance, including recreational boaters, and representatives from Hamlin's Marine and McLaughlin's. The discussion focused on the short and long term needs of not only the businesses on the waterfront but also resident/boaters' needs to be able to establish a mooring, in an appropriate location, and have access to a dock for tying up of dinghies, that is outside of the commercial entities operation. It was acknowledged that the DPW Director, who on paper serves as the Harbor Master, is unable to dedicate consistent time toward this function in light of his other responsibilities, and that a better solution would be needed in order for the Town to provide this service.

It was the consensus that the Planning and Development Committee that in order to make informed decisions, especially given budgetary constraints, they need to be advised on the needs of the waterfront users. Residents expressed support for expanded use and visibility of the Marina within the community. The suggestion of the formation of a waterfront advisory committee was initially discussed. Several residents in attendance expressed potential interest in serving.

Manager Jennings explained that he was in the process of ensuring compliance with the Statute and was considering options to ensure that the Harbor Master functions as soon as possible can be properly performed.

It was agreed that the draft amendments to the Harbor Ordinance will require further discussion, and the Ordinance was tabled until a future meeting.

6. Zoning Considerations/Discussion:

A. 23 Cottage Street Request/Discussion

Community Development Director shared a letter from a resident expressing the need for consideration of the allowance for accessory apartments in residential areas of the community. This would allow for in-laws and family members to share living quarters yet still maintain an independent living status.

Committee requested Community Development Director research and draft suggested language at a future meeting.

- 7. Citizens Initiatives: None
- 8. Public Comments: None
- 9. Committee Member Comments: None
- 10. Adjourn: 8:15pm

INFRASTRUCTURE COMMITTEE MEETING

Monday, March 28, 2016

MINUTES

Attending:

Councilor Dennis Marble, Chair
Mayor David Ryder
Councilor Terry McAvoy
Councilor Greg Sirois
Councilor Mark Cormier

Councilor Stephen Wilde
Councilor Ivan McPike
Town Manager Angus Jennings
DPW Director Sean Currier
Resident Bill Lippincott

Chairman Marble called the meeting to order at 6 PM.

1. **MINUTES – 2/17/2016 Meeting** – There was a motion and a second to approve the February 17, 2016 minutes. Unanimous (6-0) vote in favor.
2. **OLD BUSINESS**
 - a. **Drumlin LLC report re Pine Tree Landfill** – Manager Jennings summarized the report included in the meeting packet based on Drumlin's review of the Pine Tree post-closure monitoring reports and DEP's reviews of those reports. Part of Drumlin's initial work proposal that has not yet been authorized is the presentation of their findings in a public meeting. Another part of their work, which will go forward, is their review of the 5-year post-closure report that Pine Tree/Casella will produce. The Committee agreed that a public presentation of the report would be worthwhile but, because the written report did not identify significant concerns, it was agreed that it would make more sense to schedule Drumlin's presentation after the 5-year report and their review to allow their presentation to address these issues as well. Manager Jennings reported on his recent tour of the Pine Tree Landfill with Councilor McPike and Director Currier, and said Casella would be happy to offer a tour. There was interest in this, and Manager Jennings said he would schedule a tour once the weather gets nicer. Councilor Wilde said it will be important to get the Environmental Trust active again.
 - b. **Transfer station operations (requested by Councilor McAvoy)** – At the request of Chairman Marble this item was postponed for discussion during Councilor Comments, later on the agenda.
 - c. **Sewer Ordinance – sewer connection fees and protocols – referral from October 26, 2015 meeting** – Sean Currier, DPW Director – Director Currier provided background, including that the Ordinance does not currently provide for a clear inspection process or a fee structure for street opening. Mayor Ryder asked about the rationale for changing the

Ordinance's limitation on length of allowed force main. Manager Jennings reported that the proposed MRC/Fiberight plant would require a force main in excess of the 2,000' limit in the Ordinance. He has consulted with the Town's engineering consultant and determined that there is no engineering reason why a force main cannot exceed 2,000' provided it includes air relief valves and is properly engineered. The proposed amended language would allow for a force main to exceed 2,000' upon particular findings of the Council (in its capacity as Sewer Commissioners). Motion by Councilor McPike, seconded by Councilor McAvoy, to refer the proposed amendments to the Sewer Ordinance to the Council with a recommendation for adoption. Motion carried 7-0.

- d. Fees Ordinance – sewer connection fees and protocols – referral from October 26, 2015 meeting – Sean Currier, DPW Director –**
Director Currier summarized the proposed amendments to the Fees Ordinance relative to sewer connection fees and protocols. One issue this would resolve is that the current fee applies the same to a single-family house as it does to a large commercial or industrial user, but that the staff time involved with processing different types of applications is substantial. There was discussion about the specific hourly rates for DPW staff time outside of normal work hours, and Director Currier reported that the proposed fees would better offset actual costs associated with staff overtime pay. Motion by Mayor Ryder, seconded by Councilor Wilde, to refer the proposed amendments to the Council with a recommendation for adoption. Motion carried 7-0.
- e. Update on recent RSU-22 Building Committee meeting re McGraw-Weatherbee – Councilor Wilde and Manager Jennings reported on their attendance at the most recent meeting, at which they conveyed the Council's serious concerns about the timing of this initiative given the RSU-22's current debt service obligations, the overall financial health of the Town, and the need for other capital investments which need to be considered. Councilor McPike expressed dismay that the Building Committee did not appear to be looking seriously at the option of routing traffic out to the signalized intersection at 202. Councilor Wilde said that the effort has been presented as a 2-phase project with initial work focused on traffic circulation and a second phase including building expansions and renovations. He said he felt that School Board needs to look at the financial impact on taxpayers. He expressed concern about the Town's retirement funding needs, sewer deficit, and declining fund balance. Councilor Marble asked if we should be meeting with our Augusta delegation, since State funding cuts to Schools and to Municipal Revenue Sharing and other programs are putting us all in a tough spot. The Committee thanked Councilor Wilde and Manager Jennings for continuing to stay involved with this process.**

3. NEW BUSINESS

- a. **Solarize Greater Bangor – presentation by Karen Marysdaughter –**
Karen Marysdaughter, a Bangor resident, is working with other volunteers to coordinate group purchasing of solar through the “Solarize” framework that has been used elsewhere in Maine. She is seeking Hampden’s endorsement of this effort, which would allow them to include Hampden in their promotional materials, but is not seeking any financial or personnel support other than through sharing information about the program through the Town’s website and social media. She is also in discussions with Bangor, Brewer, Veazie and Orono. She explained that the collective procurement of contractors to install solar results in discounted pricing for those who choose to participate. Councilor Wilde asked how significant are the cost savings? Karen said that the more people sign up, the greater the discount. In addition to improved pricing, Solarize can help provide consumers clear information about solar and financing options. Motion by Councilor Wilde seconded by Mayor Ryder supporting making information available on the Town website. Motion carried 7-0. Mayor Ryder suggested that the question of whether the Town officially sponsors the effort should be referred to Planning & Development. Councilor McAvoy said that this will lead to one group after another seeking Town support. Sponsorship question referred to Planning & Development by unanimous vote.
- b. **Proposal from Pemco to convert to LED Street Lights – Angus Jennings, Town Manager –**
Manager Jennings provided background regarding his correspondence with Pemco and their proposal to convert Town streetlights to LED at no cost, with their payment coming out of electricity cost savings over the next ten years. The Town currently spends about \$52,000 a year on electricity for streetlights. Their proposal was based on Hampden’s actual number of streetlights and wattage, although additional due diligence is needed by Pemco in order to finalize a cost proposal. Manager Jennings will continue to work to get Pemco the records they need to finalize their due diligence. The Committee recommended that the Manager check Pemco’s references from comparable work they’ve completed in Brunswick.
- c. **Street Light Petitions under Town of Hampden Policy on New Streetlights – recommendations by Chief Joe Rogers**
 - 1) **Penobscot Meadow Drive – petition of Nathan Milliken, Eastern Maine Processing & Distribution Center, 16 Penobscot Meadow Drive**
 - 2) **Crosby Way at Route 202 (driveway to Calvary Apostolic Church and Ammo Park) – petition of Tracy Thibodeau on behalf of Maine Ground Developers**

On the basis of Chief Rogers recommendations, and Manager Jennings' recommendation that new streetlights are less pressing than other identified capital needs, there was a motion by Councilor Wilde seconded by Councilor Sirois to not recommend moving forward with either streetlight. Motion carried 7-0.

- d. Draft revisions to Hampden Driveway/Entrance Culvert policy – Sean Currier, DPW Director** – *Director Currier provided the reasoning for proposed Ordinance amendments. Minor revisions to the proposal were made by the Committee. Motion by Councilor Sirois, seconded by Councilor Wilde to refer the Ordinance to the Council, as revised tonight, with a recommendation for approval. Motion carried 7-0. Manager Jennings said that he would provide this to the Town Attorney for review prior to the Council's final action on the matter.*
- e. Draft New Ordinance: Street Opening/Utility Connection Ordinance – Sean Currier, DPW Director** – *Director Currier provided the reasoning for proposing this new Ordinance, which is based on the Ordinance in Bangor. Motion by Councilor Sirois, seconded by Councilor Wilde to refer the Ordinance to the Council with a recommendation for approval. Motion carried 7-0. Manager Jennings said that he would provide this to the Town Attorney for review prior to the Council's final action on the matter.*
- f. Draft Amendments to Town Ways Ordinance – Sean Currier, DPW Director** – *Director Currier provided the reasoning for proposed Ordinance amendments. Councilor McAvoy recommended striking the existing Article IV to the Ordinance which prohibits the use of engine braking. Mayor Ryder agreed, saying he felt public safety would be better served by allowing trucks to use their equipment to stop if and as needed. Councilor Cormier agreed. Motion by Councilor McAvoy, seconded by Mayor Ryder to strike Article IV. Motion carried 7-0. Motion by Mayor Ryder, seconded by Councilor Wilde to refer the Ordinance to the Council with a recommendation for approval. Motion carried 7-0.*
- g. Outstanding retainage invoice, T. Buck Construction for Route 1A Sewer – Angus Jennings, Town Manager** – *Manager Jennings summarized the materials in the meeting packet, and said he is working with the Town's project engineer and is reviewing the accounting records for this project to ensure that the full amount of the \$55,000 invoice was proper. Upon verification that the invoice is proper it will be processed; in the meantime, the amount that had been expected to be invoiced – about \$40,000 – will be paid since that amount is not in question and the contractor did good work.*
- h. Discussion: potential addition of sewer to MDOT Route 1A project – Sean Currier, DPW Director** – *Director Currier recommended looking at the sewer pipe size capacity to see if any changes will be needed since*

Route 1A will be dug up anyway when MDOT proceeds with that project expected in 2018.

4. PUBLIC COMMENTS – None.

- 5. COMMITTEE MEMBER COMMENTS** – *Councilor McAvoy discussed operations at the Transfer Station, and suggested that staff should be checking decals as well as monitoring what people are dropping off. Mayor Ryder noted that no one was at the gate checking stickers when he was there last weekend. Manager Jennings, Director Currier and Councilor McPike reported on their recent meeting with Casella, including discussion of the potential to outsource the Transfer Station service. It was suggested that this item be included for discussion on the April Infrastructure agenda.*

There being no further business, the meeting was adjourned at 8:04 PM.

Respectfully submitted –
Angus Jennings
Town Manager

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday, April 4, 2016

MINUTES**Attending:**

Mayor David Ryder

Councilor Terry McAvoy

Councilor Greg Sirois, Chair

Councilor Dennis Marble

Councilor Ivan McPike

Councilor Stephen Wilde

Councilor Mark Cormier

Town Manager Angus Jennings

Chairman Sirois called the meeting to order at 6 p.m.

1. **Meeting Minutes – March 21, 2016 Meeting** – Motion by Councilor McAvoy seconded by Councilor McPike to approve the March 21, 2016 minutes as written. Approved 7-0.
2. **Review & Sign Warrants** – Warrants were reviewed and signed by Committee members.
3. **Old Business**
 - a. **Request authorization for payment of invoice from Penobscot Temperature Controls (labor only; boiler was under warranty) for the pinhole leak in the boiler from Municipal Building Reserve Account in amount of \$2,317.27** – Manager Jennings reported that, while the boiler found to have a pinhole leak in December was covered under warranty, the labor was not. Motion by Councilor McPike, seconded by Mayor Ryder, to recommend Council approval of the invoice for labor associated with replacing the boiler, to be funded from the Municipal Building Reserve Account. Motion carried 7-0.
 - b. **Town Manager Evaluation** – Mayor Ryder presented a personnel evaluation to Manager Jennings, as provided for in his employment contract after 6 months of employment. Mayor Ryder based the evaluation on feedback he'd received from each of the Councilors. He said that the Council is pleased with Manager Jennings' work. Manager Jennings said he is happy to be working on behalf of the Town of Hampden. Motion by Councilor McPike, seconded by Councilor McAvoy, to approve the increase in salary provided in the contract upon successful completion of 6 months. Motion carried 7-0.

- c. **Land use reorganization 12 month review – Invitation for Councilor's comments** – *Manager Jennings summarized the reorganization of planning and economic development functions (as well as Assessing and GIS/IT) that had happened in May 2015, and that there had been an expectation at that time that this reorganization would be evaluated after 12 months to see how it's working. He said that any comments from members of the Council, the public, the development community or otherwise would be welcome and taken into account. Comments should be directed to the Town Manager, and should focus on the function or organization of the departments, rather than specific personnel. Councilor McAvoy said that he does not think a full-time Assessor is needed and that this function should be part-time or contracted out.*

4. New Business

- a. **Request authorization to transfer funds from the Personnel Reserve Account to reimburse personnel line items (Administration, Public Works) for FY16 retirement pay-outs** – *Manager Jennings summarized the materials in the meeting packet that pay-outs of accrued vacation, comp and sick time had been made for three retired employees in accordance with the terms in the Personnel Ordinance. In FY15, these same types of payments were paid from the wage line items in the budget, resulting in those line items exceeding budgeted amounts. Manager Jennings has consulted with the Auditor, who recommends that such payments be paid out of a Personnel Reserve Account. Motion by Councilor Marble, seconded by Councilor McPike, to recommend Council approval of expenditures from the Personnel Reserve Accounts in order to credit the amounts paid from wage line items so these payments are accounted for properly. Motion carried 7-0. Councilor McAvoy asked what would happen if there is another retirement. Manager Jennings said that, if the retiree had accrued vacation, comp and/or sick time, payments would be required under the Personnel Ordinance.*

5. **Public Comment** – *Manager Jennings circulated a report he prepared summarizing his review of accounting for the Route 1A sewer work in 2014. His analysis showed that the 5% retainage amount due to the contractor T. Buck was proper (as had been found by the Town's consulting engineer Woodard & Curran), so he had authorized payment of the invoice from the Sewer Fund. He noted that, for future bond-supported projects, if cost estimates significantly exceed estimates on which the bond was based, it would be important to make adjustments to costs or revenues as needed to avoid a future situation such as this where the amounts due exceed the funds*

- provided from the bond proceeds.

6. Committee Member Comments – *Chairman Sirois noted that, for Finance Committee meetings such as this with light agendas, the meeting start time could be postponed to 6:30 instead of 6.*

There being no further business, the meeting was adjourned at 6:19 p.m.

Respectfully submitted –
Angus Jennings
Town Manager



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

April 4, 2016

D-1-a

Town of Hampden
RECEIVED

APR 06 2016

Office of the
Town Manager

Dear Angus,

Thank you for agreeing to present the awards for the Maine Municipal Association's Essay Contest.

During the 2015-2016 school year, the Maine Municipal Association promoted a statewide essay contest for seventh-grade students. The essay contest is designed to help students learn more about the importance of municipalities and inspire them to become our next generation of local leaders. This essay contest is part of our Citizen Education Program which is designed to encourage citizens of all ages to consider getting involved in their local government.

Students were asked to submit essays with the theme: "If I Led My Community ... " From there, students could write about what they would do in a local leadership capacity. Essays were judged on students demonstrating an understanding of municipal government, quality of writing and originality by a panel pulled from MMA Staff and the Executive Committee. Out of the many essays that were received from all over the state, three winners were chosen.

- Jeffrey Daniels of Madison Junior High School
- Meghan Ireland of Reeds Brook Middle School in Hampden
- And, Abigail Jean Steinberg of Greely Middle School in Cumberland

MMA appreciates your participation in presenting your local winner with his or her prize and certificate.

Getting recognition in their own communities reinforces the importance of local government and the strong role it represents as the most accessible and efficient level of government.

Sincerely,

Eric Conrad
Director of Communication & Educational Services
Maine Municipal Association

Meghan Ireland
Mr. Kash
Reeds Brook Middle School

If I led my community, I would lead it with dignity and trust. A community is like a human body consisting of government, citizens, and the environment. The government is the brain: feeding the directions to all the other parts, connecting the citizens to their community, and making it a better place. I would strive for harmony between all the parts of the community "body."

To enhance this idea I will start with the citizens. First I will start with the children.

Knowing that these children will be actively participating in our government, I want them to be well educated. To start this I will apply for a teaching grant to get our teachers better prepared. This will make the children want to stay in the community and raise their children here. I will also think about the elders of our community, I will create retirement communities so they enjoy being there, and want to continue to actively participate in the community.

In addition to thinking of the citizens I want to think about our environment. To reduce littering I will place recycling bins on the corners of the dirtiest areas, and give messages that encourage recycling over littering. To finalize this I will impose strict fines for anyone disregarding the law. Another aspect of the environment I would like to improve is landscaping. I would hire some landscapers to re-design some of the public areas, to make them more aesthetically pleasing. This should improve the citizens' view on the environment they chose to live in. With these areas revised our town can be beautiful and enticing to outsiders.

Safety is another aspect of our town that should be improved. To make the citizens feel safe there will be a neighborhood watch set up so the citizens are partially in control of their own safety. To complement this idea I apply for a grant allowing the hire of policemen, and firemen to protect our town.

To add to those ideas I will add some more attractions to our town, specifically shopping centers. In my town the shopping centers we have are only for necessities. I will add a small mall with clothing shopping, and places to shop for pleasure. This will make it so our residents will shop in our town instead of going off to another town to support their businesses. Also by doing this it will open up more job possibilities, this would make it more convenient for our residents who need a part time job. This can bind our citizens making the community more like a family.

In this town of ours the brain is always thinking, sending messages to other places telling them to improve. It's always working trying to improve itself. Solving problems is the main mission of this brain. Issues like education conditions, living conditions, the environment, town safety, and above all the happiness of the citizens. Improving to the point of perfection is a goal. This community is shaped around one thing, its citizens.

Maine Municipal Association

7th Grade Essay Contest 2016

Certificate of Achievement

MEGHAN IRELAND

Reeds Brook Middle School

*“If I led
my
community...”*



Stephen W. Gove, Executive Director
Maine Municipal Association



Maine Municipal Association

LOCAL GOVERNMENT
begins with you.

The Hampden Recreation Department and Lura Hoit Pool Introducing....Online Registration

www.hampdenrecreation.com

The Hampden Recreation Department and Lura Hoit Pool staff are working with MyRec.com to introduce an online registration system for patrons to register for programming from the convenience of their own home 24 hours a day. This web based system will feature Recreation Department programming beginning with the 2016 Summer Program Session and Lura Hoit Pool programming beginning with the 2015-2016 Session V offerings (June 6, 2016-members/Hampden residents).

Patrons are urged to set up a household account now, which will allow quicker access when programming begins accepting registrations. One household account will allow you to register for activities with the Hampden Recreation Department or Lura Hoit Pool. The software is very user friendly and will continue to allow patrons to make payments with Cash, Check (onsite at your local department facility) or via the web with Credit or Debit Card. Kiosks will also be available at each department facility to help patrons establish a family account and/or register for a program of your choosing. Staff will do their best to assist with you any issues you may experience with the set up or registration process during normal business hours.

We hope that you share in our excitement with these advances in technology for our departments, and are understanding as we complete this process to serve our community better. If you should need assistance with setting up a household account or registering for a program as they become available, please contact us at either of the department's below.

Hampden Recreation Department

recreation@hampdenmaine.gov or 207-862-6451

Lura Hoit Memorial Pool

lurahoitpool@hampdenmaine.gov or 207-862-4305

D-4-a

**TOWN OF HAMPDEN
SALE OF TOWN OWNED REAL ESTATE ORDINANCE**

ARTICLE I - SALE OF TOWN OWNED REAL ESTATE

1.1 AUTHORITY

In accordance with ARTICLE II, Section 212 (b) of the Town Charter the Town Council shall be authorized to convey or lease any lands of the Town within the limitations fixed by the Constitution and statutes of the State of Maine as they now or may hereafter apply to said Town of Hampden.

1.1.1 SALE BY TOWN

Real estate shall be sold by the Town only after the adoption by affirmative vote of a majority of all the members of the Town Council of a Resolution calling for the sale of real estate owned by the Town; the resolution shall contain a reasonably accurate description of the property which is proposed to be sold.

1.2 DISPOSAL

After the Town Council has voted to sell real estate, notices shall be sent to each landowner abutting the proposed parcel to be sold as well as to each landowner within three (300) feet of any property line of said parcel. Landowners shall be considered to be those to whom property taxes are assessed. Failure of any landowner to receive a notice of public sale shall not necessitate another sale or invalidate any action of the Town Council. Notices shall be sent to the previous owner in the case of tax acquired property. In addition, notice of the proposed sale shall be published as specified in Article II, Section 213 (d) of the Charter, such publication to be not less than seven (7) days before the Council's final action on such sale. The notice shall contain a reasonably accurate description of the property to be sold and shall provide for a day and place when and where bids for said property shall be submitted to the Town Office.

1.3 BID PROCEDURE

All bids shall be submitted in writing and shall clearly identify the purchaser and the price bid for the property. Bids shall be placed in sealed envelopes and given to the Town Clerk who shall hold all such bids until the date and time designated in the notice, when the bids shall be opened by the Town Clerk. The results of

the bidding shall then be submitted to the Town Council at its next regular meeting; after proponents and opponents if any, to said proposed sale have been heard, the Council may by the affirmative vote of a majority of all the members of the Council vote to convey the property to the highest bidder. The Council may reject any bid which does not comply with Town's bid procedure guidelines; furthermore, the Council may reject all bids and withdraw the offer to sell the property.

1.3.1. DEED EXECUTION

The Town Treasurer is hereby authorized for and on behalf of the Town of Hampden to make, execute and deliver a Quitclaim Deed to convey title to the purchaser.

1.4 FORECLOSURE ACQUIRED PROPERTY

The Town Treasurer shall give written notice to the prior owner of record of real estate acquired by the Town by way of foreclosure of tax lien or sewer lien of the Town's intent to sell said real estate at public sale. Said notice shall be given in writing and sent via U.S. mail to the property owner's last known address at least 30 days before notice of public sale is given in the manner specified in Section 1.2 above. Failure of any prior owner to receive such notice shall not necessitate another sale or invalidate any action of the Town Council.

If the prior owner of record makes full payment of all sums due the Town, including but not limited to the amount of tax and/or sewer liens, real estate taxes, personal property taxes, sewer charges, recording fees, interest and costs, before notice of public sale is given, the Town Treasurer shall release title to said real estate to its record owner.

ADOPTED BY THE HAMPDEN TOWN COUNCIL: November 19, 1979

EFFECTIVE: December 19, 1979

AMENDED: July 6, 1987

EFFECTIVE: August 4, 1987

AMENDED: April 21, 2015



Angus Jennings <townmanager@hampdenmaine.gov>

Sale of Town Owned Real Estate Ordinance

1 message

Edmond J. Bearor <ebearor@rudmanwinchell.com>

Thu, Apr 28, 2016 at 3:36 PM

To: Angus Jennings <townmanager@hampdenmaine.gov>

Cc: "Lynn E. Brochu" <lbrochu@rudmanwinchell.com>

Angus; I understand that the former owners of property that recently was advertised for sale pursuant to section 1.4 of the Sale of Town Owned Real Estate Ordinance, have contacted you and are desirous of paying all sums due the Town for past and current taxes, any sewer charges owed, recording fees, interest and costs. It is our opinion that the Council retains authority to convey the property back to the party which lost title by virtue of automatic foreclosure of a tax lien. This is still the case even though the property has been advertised for sale by sealed bid. The Council may set the terms upon which it will convey the property back to the former owners which, at a minimum, ought to include all those items listed in section 1.4.

NOTICE:

This email and any files transmitted with it are confidential and intended solely for the use of the entity or individual to whom they are addressed, and may contain information that is privileged and/or exempt from discovery or disclosure under applicable law. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. Unless expressly stated in this e-mail, nothing in this message or any attachment should be construed as a digital or electronic signature, a legal opinion, or establishing an attorney-client relationship. If you have received this email in error, please notify the system manager at Admin@rudmanwinchell.com immediately and permanently delete or destroy the original and its attachments, along with any electronic or physical copies. Rudman Winchell cannot accept responsibility for the accuracy or completeness of this email as it has been transmitted over a public network. If you suspect that the email may have been tampered with, intercepted or amended, please notify the system manager.



Angus Jennings <townmanager@hampdenmaine.gov>

Re: 1037 Kennebec Road, Hampden ME

1 message

American Wireless Management <joe@commonwealthri.com>

Thu, Apr 28, 2016 at 4:04 PM

Reply-To: American Wireless Management <joe@commonwealthri.com>

To: Brian Sullivan <bsullivan@jleeassociates.net>, Angus Jennings <townmanager@hampdenmaine.gov>

Cc: Paul Kean <pjkean28@yahoo.com>

Hello Again Mr. Jennings,

I see that my brother Brian has sent the permission letter you requested. I am now in the process of preparing the check for the \$9,000.00 we discussed to show the council we are serious about this re-payment before the Monday meeting. I am fully aware that there may be additional costs to quell the Auction, and I can assure you I will repay those costs to the Town of Hampden as well.

As I have stated to you before, this land has been in our family for more that 60 years, the Cabin was built by the hands of my Family, and there is nothing I wont do to save it form this action.

I cannot thank you enough, for the effort and kindness you have put into this matter, and I will be sure to abide to anything the Council asks us to do.

Thank you for the opportunity to earn your business,

Joseph Sullivan, CFO

American Wireless Management

JLee & Associates Lead T-Mobile-AT&T Consultant

Air32/L1900/700MHZ/MetroKeep/MDRN Projects, P.M.

joseph@commonwealthri.com

781.866.9646 direct

From: Brian Sullivan <bsullivan@jleeassociates.net>

To: Angus Jennings <townmanager@hampdenmaine.gov>

Cc: American Wireless Management <joe@commonwealthri.com>

Sent: Thursday, April 28, 2016 3:37 PM

Subject: 1037 Kennebec Road, Hampden ME

Good afternoon Mr. Jennings.

My Brother and I really appreciate all your help with this sorting out this matter. It means a lot to Joe and I to know the Town understands how much this property means to us.



Angus Jennings <townmanager@hampdenmaine.gov>

1037 Kennebec Road, Hampden ME

1 message

Brian Sullivan <bsullivan@jleeassociates.net>

Thu, Apr 28, 2016 at 3:37 PM

To: Angus Jennings <townmanager@hampdenmaine.gov>

Cc: American Wireless Management <joe@commonwealthri.com>

Good afternoon Mr. Jennings.

My Brother and I really appreciate all your help with this sorting out this matter. It means a lot to Joe and I to know the Town understands how much this property means to us.

Joe has authorization to act on my behalf on all matters regarding this property.

Thank you.

Brian Sullivan

From: American Wireless Management [mailto:joe@commonwealthri.com]

Sent: Wednesday, April 27, 2016 2:31 PM

To: Angus Jennings <townmanager@hampdenmaine.gov>

Cc: Brian Sullivan <bsullivan@jleeassociates.net>

Subject: Re: Checking in

Hello Mr. Jennings,

I genuinely thank you for checking in with me. It is a welcomed piece of mind during this stressful situation, and your professionalism is refreshing, and greatly appreciated!

Thank you for the opportunity to earn your business,

Joseph Sullivan, CFO

**FORECLOSED PROPERTY SALE
TOWN OF HAMPDEN, ME**

The Town of Hampden is accepting sealed bids for a foreclosed property located at 1037 Kennebec Road in Hampden, ME. This property contains approximately 50 acres of land with building(s). Information on this bid is available on the Town website at www.hampdenmaine.gov or by calling the Town Manager at 862-3034. A minimum bid of \$9,000 is required and will be used to cover all outstanding taxes, costs and interest on the parcel.

Sealed bids clearly marked **FORECLOSED PROPERTY SALE, 1037 Kennebec Road** must be submitted by Thursday, May 12, 2016 at 10 a.m. to the Hampden Town Office, 106 Western Avenue, Hampden, ME 04444 and must contain a certified check in the amount of 10% of the bid. Bids will be publicly opened at that time. The winning bidder shall have 30 days from award of the bid to complete the sale.

The Hampden Town Council will award the bid as part of its regular meeting on Monday, May 16, 2016 at 7 p.m.

**Bid Specifications
Town Acquired Property
LOT & LOCATION**

The Town of Hampden has one property available for public sale resulting from expired tax liens. The property is located at 1037 Kennebec Road, identified as MAP 1, LOT 56, real estate tax account #122.

Approximate acreage of the property is 50± acres. A copy of the property card that lists acreage and assessments are attached to this notice. Tax maps showing location of the lot may be viewed at the Hampden Town Office Monday through Thursday between 7:30 am and 6:00 pm.

BIDDER'S INSTRUCTIONS

Interested bidders shall submit a bid which shall include a statement of the amount of the bid with a certified check for 10% of the proposed purchase price. The winning bidder shall have 30 days from award of the bid to complete the sale. Failure to do so will result in forfeiture of the 10% deposit. In case of default, Town retains the right to negotiate with remaining bidders for sale of the lot.

Bids must be submitted in a sealed envelope clearly marked as **FORECLOSED PROPERTY SALE, 1037 Kennebec Road**. Bids must be submitted to the Hampden Town Office, 106 Western Avenue in Hampden, ME 04444 no later than 10:00am on Thursday, May 12, 2016, when they will be publicly opened. The bid award will take place at the Town Council meeting on Monday, May 16 at 7:00 pm.

MINIMUM BID

Minimum bid for this property is \$9,000.00.

OTHER INFORMATION

The Town of Hampden retains the right to accept or reject any and all bids.

The Town shall issue a quitclaim deed without covenants to the successful bidder. It will be the bidder's responsibility to obtain warranty title to the property. Proceeds from the sale of the lot shall be used to clear all outstanding taxes, interest, and costs for the parcel. Properties will be sold with the property taxes cleared through June 30, 2017.



Town of Hampden
106 Western Avenue
Hampden, Maine 04444



March 14, 2016

Brian M. Sullivan
10 Fellowship Circle
West Wareham, MA 02576

RE: Property Foreclosure, 1037 Kennebec F
Map & Lot: 01-0-056

Dear Mr. Sullivan,

The purpose of this letter is to notify you that the Town of Hampden has foreclosed on your property at 1037 Kennebec Road in Hampden, ME for unpaid 2013/2014 real estate taxes. The foreclosure date for these taxes was on February 20, 2016. The Town mailed all legal notices in regard to these taxes/liens to you.

On Monday, March 7, 2016 the Hampden Town Council voted to begin the process for property sale consistent with the Town of Hampden "Sale of Town Owned Real Estate Ordinance". Pursuant to section 1.4 of that ordinance, this letter serves as formal notification that it is the Town's intent to sell this property at a public sale. As record owner of the property, in order to retain the property you have thirty days from the date of this notice to pay all years of outstanding tax, costs, and interest. Failure to do that within the 30 day time frame will result in the advertisement and public sale of the property.

At the present time the total outstanding for taxes, costs, and interest is \$6,357.18 and interest is accruing at the rate of \$0.9159 per day. However, an additional year of taxes will be due and payable as of April 1, 2016. If the property is redeemed after March 31st but before the final date of April 14, 2016, the total due would be \$8,329.56 (including interest through April 14 plus estimated FY17 taxes). I have enclosed a copy of this report.

Please contact me immediately if it is your intent to redeem this property.

Sincerely,

Angus Jennings
Town Manager

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee 3.45

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ <u>2.50</u>
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage 4.9

Total Postage and Fees 6.74

Sent To Brian Sullivan
Street and Apt. No. or PO Box No. 10 Fellowship Circle
City, State, ZIP+4® West Wareham MA 02576

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0002 3923 5244

Postmark Here
2016
CSP

*the Town Manager to send a Notice of Hearing to the owner.
Unanimous vote in favor.*

- b. **Budget Adjustment for TIF CEA Payments** – Manager Jennings explained that the Town has entered into a number of Tax Increment Financing agreements over the years, most recently with Emera Maine. As part of the TIF agreements, there have been Credit Enhancement Agreements which entitle the developer to a rebate of a portion of the property taxes paid. The property owner is assessed the full amount of taxation, they pay the full bill and upon receipt of the total amount due, a percentage is sent back to the owner. In order to send back the amounts due under the Credit Enhancement Agreements, that amount needs to have been budgeted in the current fiscal year. The FY16 budget as approved did not carry the full amount to cover the CEA obligations, and it is his recommendation to authorize a budget adjustment in the amount of \$80,260.11 from the Unassigned Fund Balance to the TIF Budget account, which will provide the revenues needed to honor those agreements. Manager Jennings noted that this is essentially an accounting mix-up in the last budget, but the amounts that were reported to the state on the form that sets the property tax rate were recorded correctly locally and reported correctly to the state. The amounts he is recommending for transfer through the budget adjustment were in fact budgeted, the funds were raised to cover these obligations, but at the local level it did not get into the budget document. It was the recommendation of the Finance Committee to make the adjustment as recommended by the Manager. Motion by Councilor Sirois, seconded by Councilor Wilde to make the budget adjustment for TIF payments. Unanimous vote in favor.
- c. **Foreclosed Properties** – Request to Advertise for Public Sale – Mayor Ryder read the list of foreclosed properties as listed below. Motion by Councilor Sirois, seconded by Councilor McAvoy to approve the request to advertise for public sale the foreclosed properties noted as Map 13, Lot 27-A; Map 41, Lot 18; Map 1, Lot 56; and Map 3, Lot 18-A. Unanimous vote in favor.
1. Map 13, Lot 27-A – Kathleen Henry
 2. Map 41, Lot 18 – Sherri Chen
 3. Map 1, Lot 56 – Brian Sullivan
 4. Map 3, Lot 18-A – Highland Ridge Real Estate
- d. **Hampden Business Park** – Renewal of Authorization to Sell Agreement with Epstein Commercial Real Estate – Planning & Development Committee Recommendation – Motion by Councilor McPike, seconded by Councilor Marble to approve renewal of the Authorization to Sell Agreement with Epstein Commercial Real Estate for lots in Hampden Business Park. Unanimous vote in favor.

State of Maine
Notice of Impending Automatic Foreclosure
Title 36, M.R.S.A. Section 943

000122

January 7, 2016

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR 2014 PROPERTY TAXES, INTEREST AND COSTS.

SULLIVAN, BRIAN M
"TENANTS IN POSSESSION"
10 FELLOWSHIP CIRCLE
WEST WAREHAM, MA 02576

You are the party named on a tax lien certificate filed on August 20, 2014, and recorded in Book 13621, Page 10 in the Penobscot County Registry of Deeds. This filing has created a tax lien mortgage on the real estate described therein.

Map & Lot: 01-0-056
Location: 1037 KENNEBEC RD

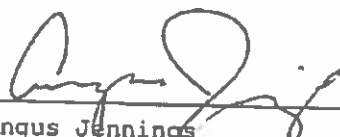
On February 20, 2016, the tax lien mortgage will be foreclosed and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

IF THE TAX LIEN FORECLOSES, THE MUNICIPALITY WILL OWN YOUR PROPERTY.

If you cannot pay the property taxes you owe, please contact me to discuss this notice.

* IF YOU ARE A DEBTOR IN BANKRUPTCY, *
* THIS NOTICE DOES NOT APPLY TO YOU. *

Principal	1,854.81
Interest	277.46
Lien Costs	60.49
Fee	3.00
Cert Mail Fee	6.74
Total	2,202.50


Angus Jennings
Treasurer
Town of Hampden
County of Penobscot


Amount due as of February 20, 2016. Please call 862-3034 for the amount due on any desired payment date.

January 7, 2016

WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR

11-11-11 will be foreclosed and your right to recover
and costs that are owed will expire.

please contact me to discuss this notice.


Angus Jennings
Treasurer
Town of Hampden
County of Penobscot

due as of February 20, 2016. Please call
1 for the amount due on any desired
date.

7015 0640 0005 2269 5862

5 PM 2 T

1ST NOTICE _____
2ND NOTICE _____
RETURN _____

015 CC 1

7202/04/16

TO SENDER
RETURNED
UNDELIVERABLE
TO FORWARD

#1069-8679-84-15

SULLIVAN, BRIAN
"TENANTS IN POS.
10 FELLOWSHIP C.
WEST WAREHAM, MA

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[illegible]

IMPORTANT: DO NOT DISTURB
2014 PROPERTY TAXES NIXIE

FLANNERY O'CONNOR



How big is your research?

USA

985

REPORT: See this report



Town of HAMPDEN
106 WESTERN AVENUE
HAMPDEN, MAINE 04444

ADDRESS SERVICE REQUESTED

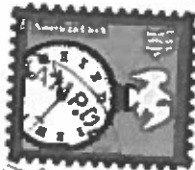
1ST NOTICE _____
2ND NOTICE _____
RETURN _____

unc
3/17
3/24
4/1

CERTIFIED MAIL



7015 1730 0002 3923 5244

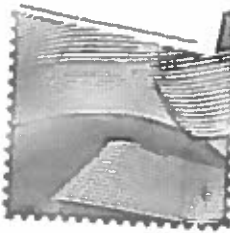


E NIXIE

015 DE 1

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 04444143606
*1669-14597-05-28
TV -

0004/05/16



0257632406 R003



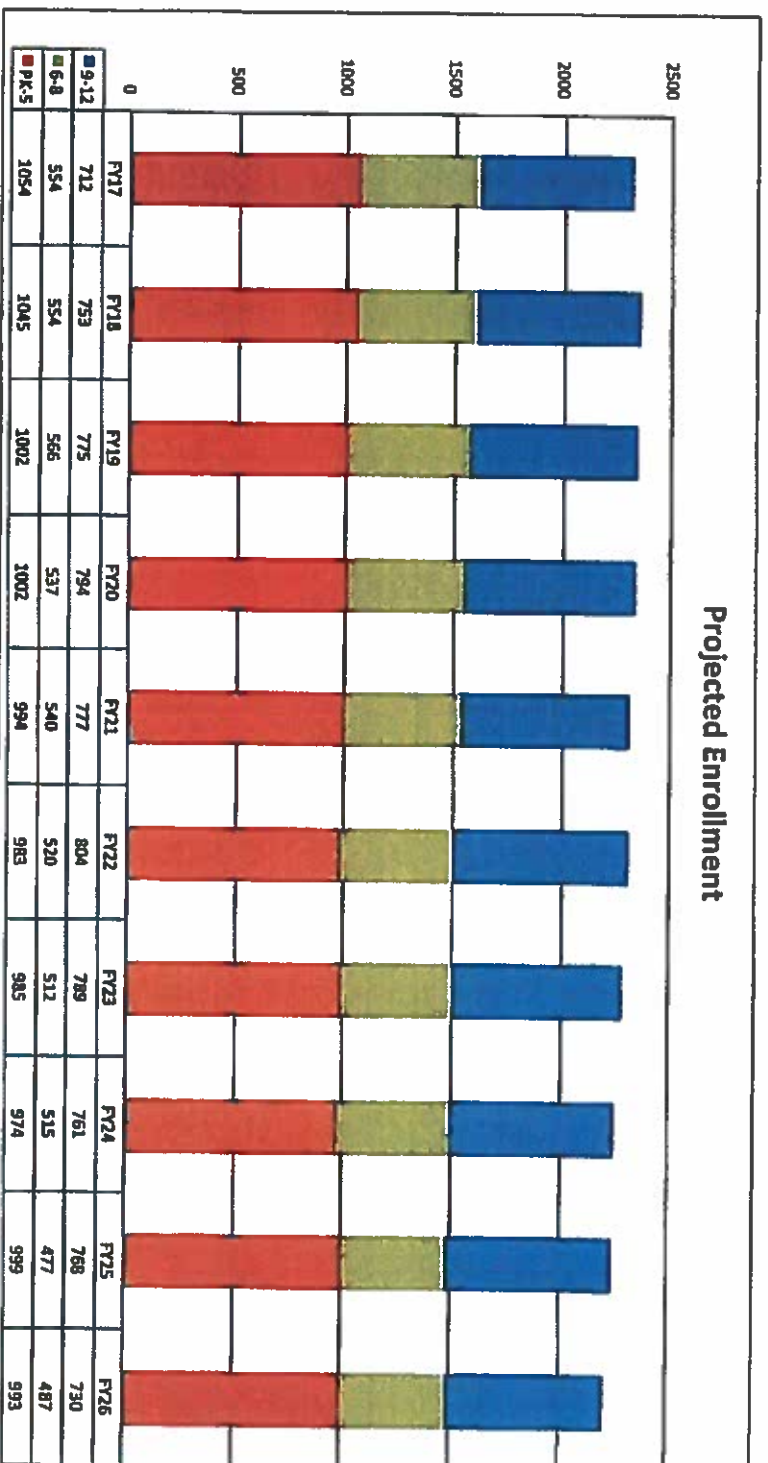
D-4-b

Overview: Gross Budget Increase is 1.8%

Local Budget Increase is 2.8%



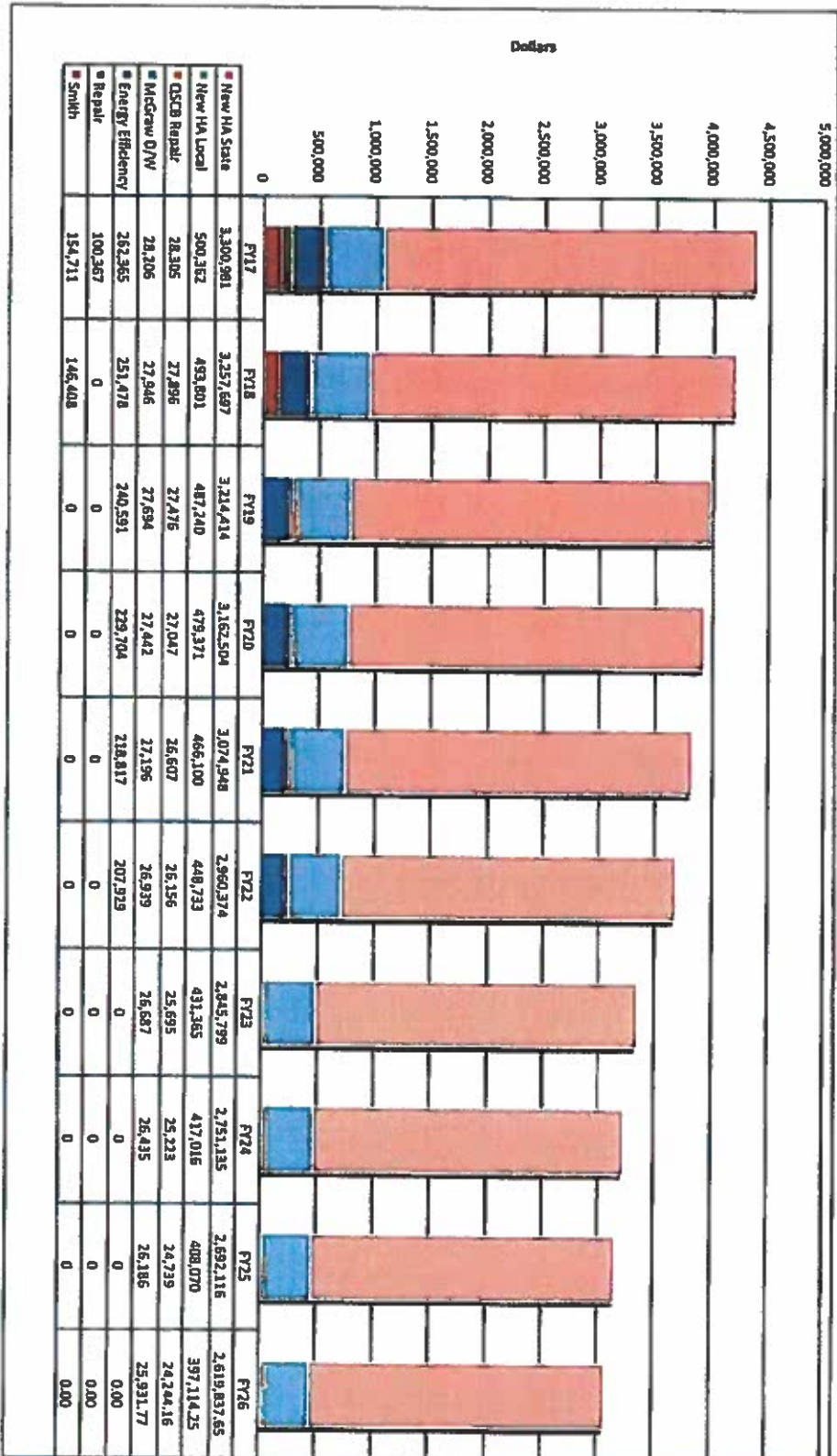
Projected District Enrollment - 10 years



*Projected enrollments based on Planning Decisions Inc., "Best Fit Model Enrollment Projections" completed January 2016

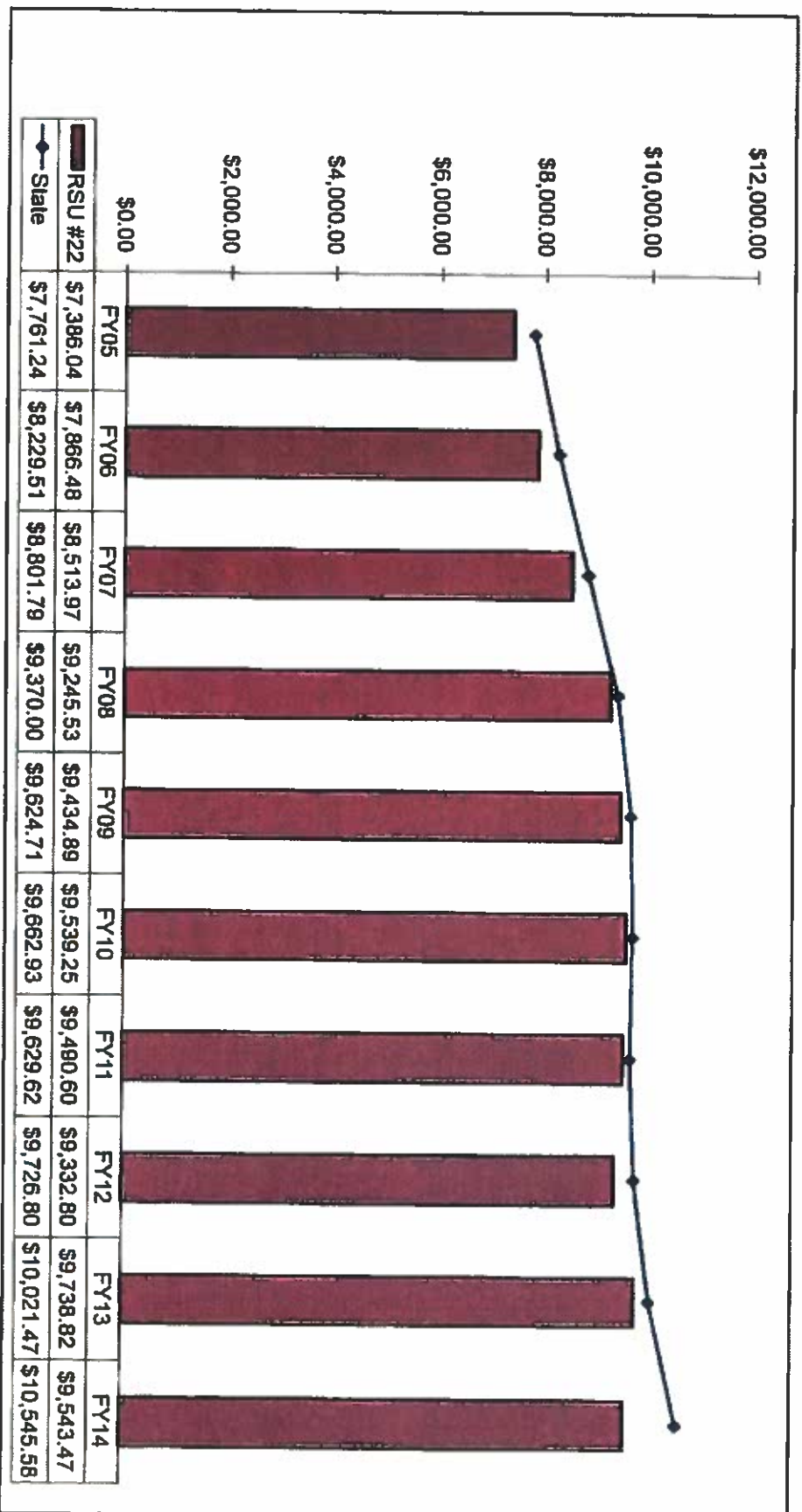
**No tuition students included in projections

10-year Debt Service Projection



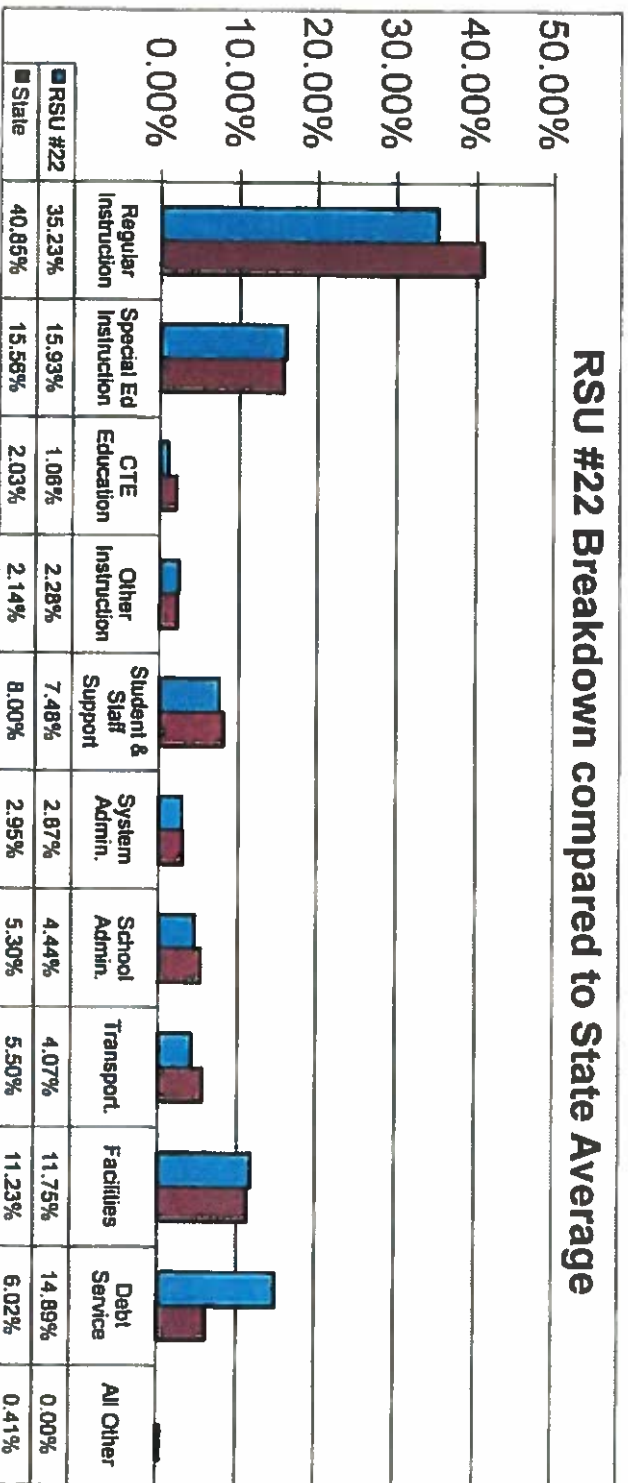
State / Local Breakdown:	
State reimbursed	3,455,692
Local Cost	919,605
Totals	4,375,297
State reimbursed	3,404,105
Local Cost	801,120
Totals	4,205,225
State reimbursed	3,214,414
Local Cost	783,001
Totals	3,997,415
State reimbursed	3,162,504
Local Cost	783,664
Totals	3,926,068
State reimbursed	3,074,948
Local Cost	739,719
Totals	3,813,668
State reimbursed	2,960,374
Local Cost	709,757
Totals	3,670,131
State reimbursed	2,845,799
Local Cost	483,748
Totals	3,329,547
State reimbursed	2,751,135
Local Cost	488,675
Totals	3,239,810
State reimbursed	2,692,116
Local Cost	498,986
Totals	3,151,112
State reimbursed	2,619,838
Local Cost	447,290
Totals	3,067,128

RSU #22 and State Per Pupil Costs



FY15 Breakdown by Percentage Expended

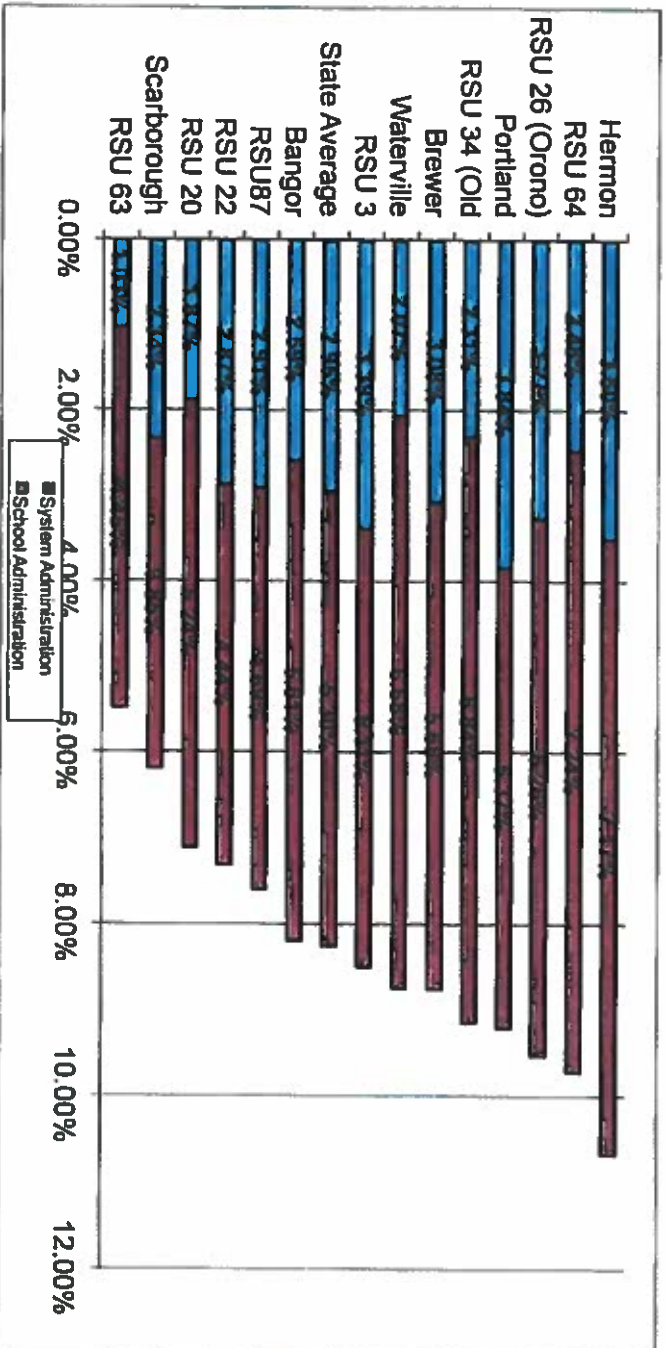
Category	RSU #22	State
Regular Instruction	35.23%	40.85%
Special Ed Instruction	15.93%	15.56%
CTE Education	1.06%	2.03%
Other Instruction	2.28%	2.14%
Student & Staff Support	7.48%	8.00%
System Admin.	2.87%	2.95%
School Admin.	4.44%	5.30%
Transport.	4.07%	5.50%
Facilities	11.75%	11.23%
Debt Service	14.89%	6.02%
All Other	0.00%	0.41%



Administrative Cost Comparisons

FY15 Actual Expenditures

Unit	System Administration	School Administration	Total
RSU 63 (Eddington)	1.03%	4.45%	5.48%
Scarborough	2.34%	3.85%	6.19%
RSU 20 (Belfast)	1.87%	5.24%	7.11%
RSU 22	2.87%	4.44%	7.31%
RSU87 (Carnet)	2.91%	4.69%	7.60%
Bangor	2.59%	5.61%	8.20%
State Average	2.95%	5.30%	8.25%
RSU 3 (Thordike)	3.39%	5.11%	8.50%
Waterville	2.07%	6.68%	8.75%
Brewer	3.08%	5.68%	8.76%
RSU 34 (Old Town)	2.31%	6.84%	9.15%
Portland	3.84%	5.37%	9.21%
RSU 26 (Orono)	3.27%	6.26%	9.53%
RSU 64 (Corinth)	2.48%	7.24%	9.72%
Herron	3.50%	7.17%	10.67%



Insurance Rate Reduction:

4/15/16

Original health insurance premium increase:

211,133.90

Proposed distribution resulting from lower premium increase:

Reduce local share to 2.89%

51,057.47

Reeds Brook B formerly defunded sports

10,455.81

Wagner B Basketball

6,620.62

HA textbooks

18,500.00

Wagner & Reeds Brook supplies

15,000.00

Special Ed contracted services

7,500.00

Curriculum textbooks

12,000.00

Anticipated personnel and student needs

90,000.00

Total:

211,133.90

SUMMARY OF PROPOSED EXPENDITURES AND ANTICIPATED REVENUE - 4/26/16 - updated w/adjustments

	APPROVED FY16	PROPOSED FY17	\$ VARIANCE	% VARIANCE
EXPENDITURES				
	29,548,781.85	30,081,235.89	532,454.04	1.80%

REVENUES

State Allocation (FY16 as approved by RSU22 June 9, 2015) 18,191,530.59 18,269,597.93 78,067.34

NOTE: Final FY16 State subsidy approved by legislature in early July 2015 was higher than the amount adopted by the District in early June. Thus, the ACTUAL State subsidy of \$18,446,709.76 is \$255,179.17 higher than the District approved number above).

The comparison between the ACTUAL subsidy received and the proposed subsidy for FY17 represents a loss of \$177,111.83.

The comparison above represents the FY16 DISTRICT APPROVED subsidy amount vs. the FY17 State proposed subsidy at this time.

State Agency Client Reimbursement 175,000.00 155,000.00 -20,000.00

Total State Share: 18,366,530.59 18,424,597.93 58,067.34 0.32%

Local Earned Revenue

Rental Fees	1,500.00	1,500.00	0.00	
Gate Receipts	10,000.00	10,000.00	0.00	
Athletic Participation Fee	30,000.00	30,000.00	0.00	
E-rate	10,000.00	10,000.00	0.00	
IRS interest reimbursement.	85,916.81	74,239.02	-11,677.79	
Expense reimbursement (NB, VHS)	29,850.00	29,850.00	0.00	
Other Fees & Revenue	0.00	59,875.00	59,875.00	
Tuition	264,000.00	264,000.00	0.00	

Total Local Earned Revenue: 431,266.81 479,464.02 48,197.21 11.18%

Prior Year Balance 314,037.50 439,037.50 125,000.00 39.80%

NOTE: Part of the additional \$255,179.17 received in FY16 from the State (see explanation above) will be carried forward and used to assist funding of the FY17 proposed budget.

Assessment:

Local Allocation	8,655,677.34	8,503,211.67	-152,465.67	
Non-State Debt Service	506,922.73	500,361.79	-6,560.94	
Local w/o State participation	1,274,346.88	1,734,562.98	460,216.10	

Total Local Share: 10,436,946.95 10,738,136.44 301,189.49 2.89%

Total Revenues: 29,548,781.85 30,081,235.89 532,454.04 1.80%

Breakdown of RSU22 fund balance:

	1,162,473.00	<u>6/30/15 Audited fund balance</u>
LESS:	<u>-314,037.50</u>	Approved use of fund balance for FY16
	848,435.50	Remaining Balance to be used towards future budgets
LESS:	<u>-50,000.00</u>	Use of fund balance to fund A&E expenses
	798,435.50	Available for FY17 and beyond
	-314,037.50	Proposed to match FY16 usage for FY17
	<u>-125,000.00</u>	Additional to be used towards FY17 budget
LESS:	<u>-439,037.50</u>	Total fund balance to use for FY17
	359,398.00	Known remaining balance to be used towards future budgets
PLUS:	<u>?</u>	balance from FY16 activity - to be determined

RSU#22 Auditors recommend the District set a fund balance goal of 10% of the budget.

Major Factors - Increases, Decreases & Reductions - FY17 Proposed Budget:

Salaries & Benefit increases for existing staff and per contracts	271,120.61
Health Insurance Premium increase	211,133.90
Special Education personnel	416,480.22
Addition of 1 Classroom teacher - MG - added during FY16	61,013.84
Co-Curricular stipends added during FY16	18,998.13
Addition of .2 Guidance Counselor - MG	11,081.96
Net NON-Payroll variance in building and department budgets	<u>190,577.38</u>

Subtotal Additions: 1,180,406.04

Expenditure Reductions:

(8) Potential retirees / replacements	153,538.59
Vacant co-curricular positions	13,134.53
Restructure Tech Department	41,702.73
Marketing Liaison	24,963.72
Reduction to fuel lines due to price decreases	50,000.00
Admin Support - Ed Tech	16,316.60
HA - 17.5 hr/wk study hall monitor	9,406.71
Tibbetts \$ support HA Library	30,000.00
Salary Adjustments	144,883.61
Contracted Services Reductions	37,392.28
HA Co-curricular Reductions	13,924.60
Reductions in supplies & textbooks	33,500.00
Curriculum reductions	<u>30,350.00</u>

Subtotal Reductions: 599,113.37

Total: 581,292.67

TABLE 1

PROPORTION OF STATE VALUATION AND STUDENT COUNTS OF DISTRICT TOWNS

<u>TOWN</u>	3YR Avg. (13,14,15) <u>Valuation for FY17</u>	<u>%</u>	Pupil Count <u>for FY17</u>	<u>%</u>
HAMPDEN	601,450,000.00	58.71%	1265.0	55.85%
NEWBURGH	100,300,000.00	9.79%	242.0	10.68%
WINTERPORT	244,700,000.00	23.88%	609.5	26.91%
FRANKFORT	<u>78,033,333.00</u>	<u>7.62%</u>	<u>148.5</u>	<u>6.56%</u>
TOTAL	1,024,483,333.00	100.00%	2265	100.00%

TABLE 2

CHANGES IN VALUATION AND PUPIL COUNT

<u>TOWN</u>	3YR Avg. (12,13,14) <u>Valuation for FY16</u>	3YR Avg. (13,14,15) <u>Valuation for FY17</u>	<u>% CHANGE</u>
HAMPDEN	598,783,333.00	601,450,000.00	0.45%
NEWBURGH	98,816,667.00	100,300,000.00	1.50%
WINTERPORT	244,166,667.00	244,700,000.00	0.22%
FRANKFORT	<u>78,950,000.00</u>	<u>78,033,333.00</u>	<u>-1.16%</u>
TOTAL	1,020,716,667.00	1,024,483,333.00	0.37%
STATE	156,842,383,333.00	155,709,783,333.00	-0.72%

	Pupil Count <u>for FY16</u>	Pupil Count <u>for FY17</u>	<u>% CHANGE</u>
HAMPDEN	1255	1265.0	0.80%
NEWBURGH	236.5	242.0	2.33%
WINTERPORT	620	609.5	-1.69%
FRANKFORT	<u>130.5</u>	<u>148.5</u>	<u>13.79%</u>
TOTAL	2242.0	2265.0	1.03%

CHANGES IN TOWN ASSESSMENTS				TABLE 6
<u>TOWN</u>	2016 <u>ASSESSMENT</u>	2017 <u>ASSESSMENT</u>	<u>\$ CHANGE</u>	<u>% CHANGE</u>
HAMPDEN	6,113,134.68	6,291,420.26	178,285.58	2.92%
NEWBURGH	1,013,420.40	1,055,312.00	41,891.60	4.13%
WINTERPORT	2,509,972.55	2,578,119.58	68,147.03	2.72%
FRANKFORT	<u>800,419.32</u>	<u>813,284.60</u>	<u>12,865.28</u>	1.61%
TOTAL	10,436,946.95	10,738,136.44	301,189.49	2.89%

FY17 Proposed Adult Education Budget - Separate Warrant Article

	<u>FY16</u>	<u>FY17 Proposed</u>	<u>\$ Inc/(dec)</u>	<u>% Inc/(dec)</u>
<u>Expenditures:</u>	<u>65,000.00</u>	<u>67,500.00</u>	<u>2,500.00</u>	<u>3.85%</u>

<u>Revenue:</u>				
State	13,000.00	13,000.00	0.00	0.00%
Registrations	12,000.00	12,500.00	500.00	4.17%
Carryover	10,000.00	12,000.00	2,000.00	20.00%
Local	<u>30,000.00</u>	<u>30,000.00</u>	<u>0.00</u>	<u>0.00%</u>

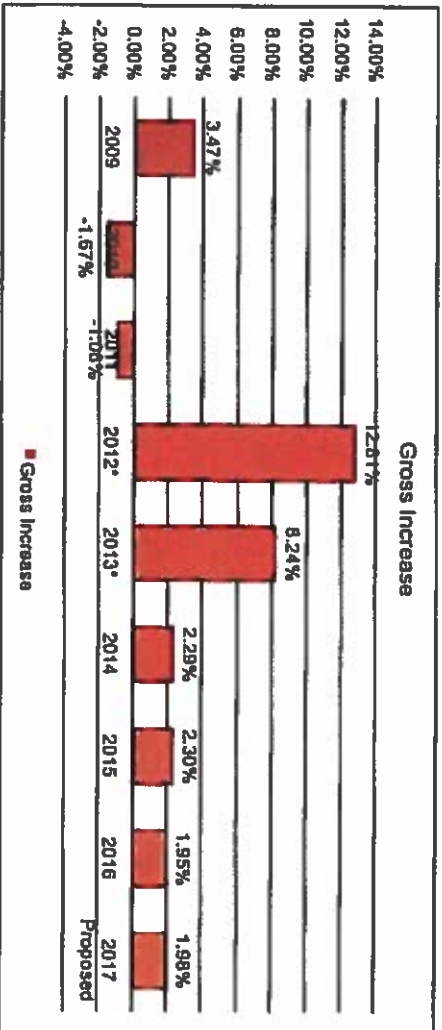
Total Revenue: 65,000.00 67,500.00 2,500.00

<u>Allocations:</u>	<u>Cost Share</u>	<u>FY17 Adult Ed. Split</u>	<u>Comparison: FY16 Split</u>	<u>Variance</u>
Hampden	58.14%	17,442.00	17,439.00	3.00
Newburgh	9.97%	2,991.00	2,955.00	36.00
Winterport	24.48%	7,344.00	7,401.00	-57.00
Frankfort	7.41%	<u>2,223.00</u>	<u>2,205.00</u>	<u>18.00</u>
		30,000.00	30,000.00	0.00

<u>Allocations Including Adult Education:</u>				
	Hampden	6,338,547.07		
	Newburgh	1,063,393.43		
	Winterport	2,597,962.45		
	Frankfort	<u>819,290.96</u>		
	Total	10,819,193.91		

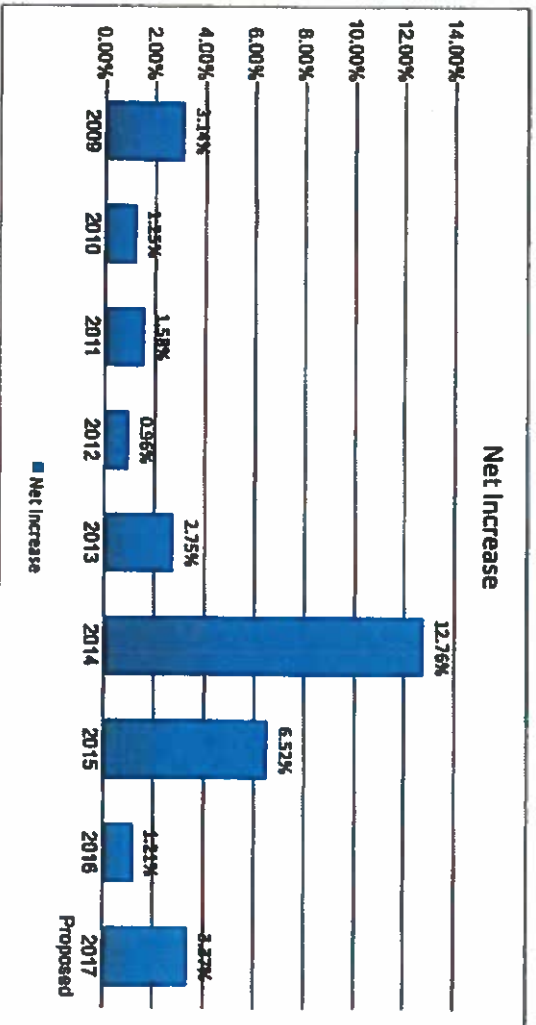
GROSS BUDGET VARIANCES (FY 2009 - 2017 Proposed)

*2012 & 2013 Include new HA debt service

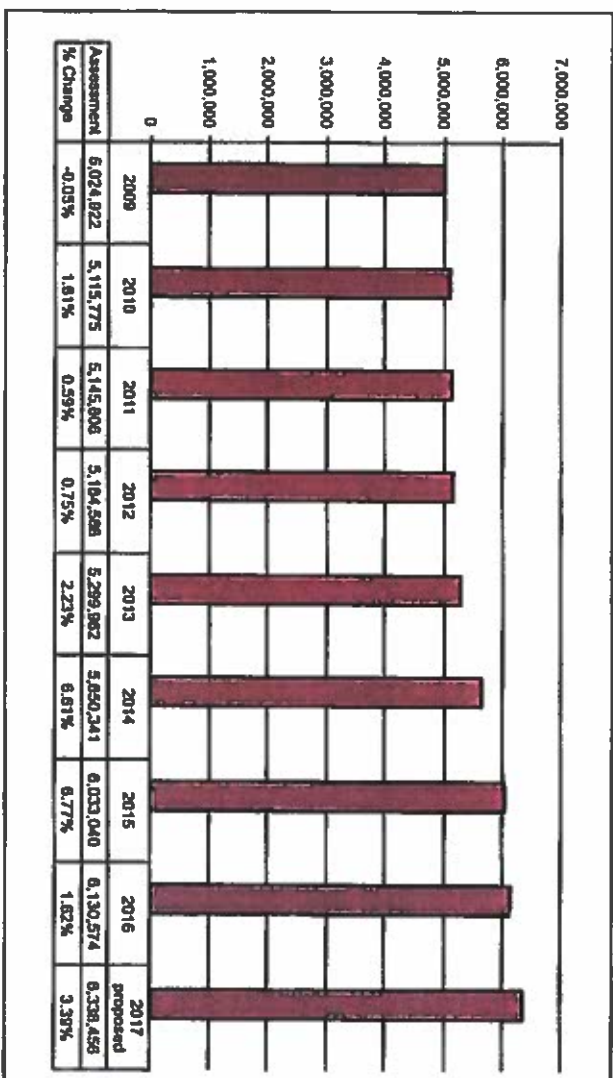


LOCAL ASSESSMENT VARIANCES (FY2009 - 2017 Proposed)

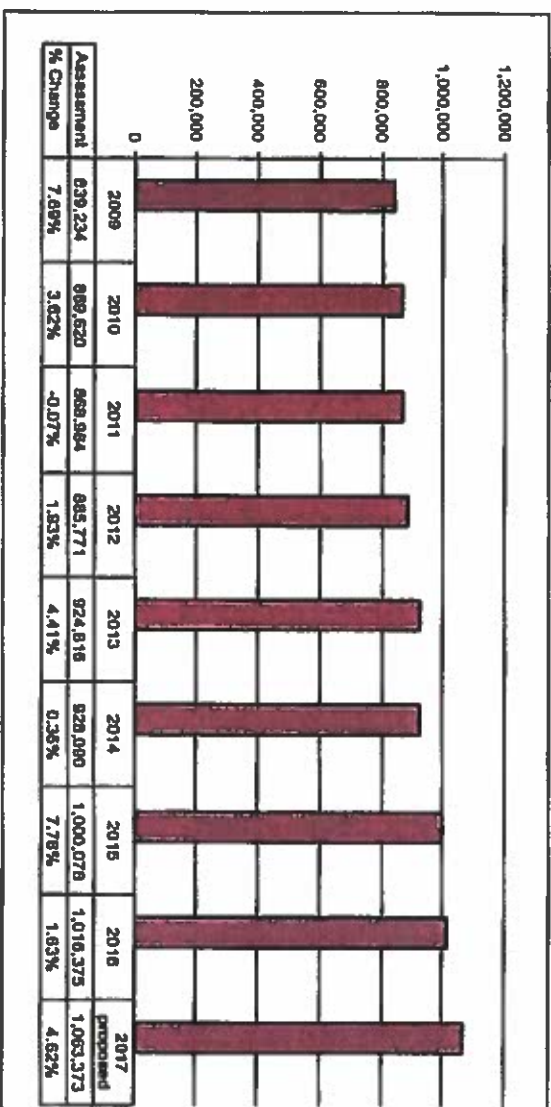
*2014 is first year with Frankfort



HAMPDEN - 9 YEAR ASSESSMENT average variance: 2.64%



NEWBURGH - 9 YEAR ASSESSMENT average variance: 3.55%



% Above EPS - data analysis

Unit	2011		2012		2013		2014		2015		2016	
	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%
Bangor	3,524,921	10%	1,968,926	6%	1,589,768	4%	2,666,347	7%	3,552,363	10%	3,477,234	9%
Brewer	-51,296	0%	-516,261	-3%	-248,936	-2%	749,606	5%	547,978	3%	507,289	3%
Cape Elizabeth	2,929,861	18%	2,967,579	19%	3,447,928	21%	4,151,807	25%			4,793,743	27%
Falmouth	3,034,825	14%	3,298,494	15%	3,621,042	15%	5,215,703	21%	4,458,664	17%	5,785,333	22%
Herrmon	0	0%	-97,448	-1%	20,000	0%	150,251	2%	-113,316	-1%	41,458	0%
Portland	4,023,560	5%	5,567,546	7%	8,770,214	11%	11,606,279	15%	12,677,433	16%	11,663,580	14%
Scarborough	-1,490,154	-5%	-2,525,600	-8%	-118,991	0%	1,590,712	5%	1,865,608	5%	2,648,935	8%
Yarmouth	3,545,994	26%	3,214,418	23%	4,330,521	31%	4,922,851	34%	4,096,778	27%	4,469,939	28%
SAD1 (Presque Isle)	1,374,220	7%	798,471	4%	476,796	3%	1,094,253	6%	515,823	3%	620,055	3%
RSU3 (Thornlike)	870,198	5%	187,809	1%	312,560	2%	427,561	2%	342,239	2%	843,006	5%
RSU22	1,176,796	6%	564,524	2%	463,011	2%	524,483	2%	980,955	4%	999,931	4%
SAD51 (Cumberland)	3,216,178	14%	2,962,849	13%	4,614,782	20%	5,252,817	22%	5,693,746	23%	7,233,574	30%
RSU63 (Eddington)	380,801	4%	179,622	2%	345,943	4%	757,683	9%	656,995	7%	506,296	6%
RSU64 (Corinth)	192,443	2%	168,559	2%	317,798	3%	467,763	4%	507,203	4%	666,639	6%
RSU19 (Newport)	-471,179	-2%	-431,737	-2%	-242,101	-1%	-288,834	-1%	-246,697	-1%	145,812	1%
RSU20 (Belfast)	2,335,368	8%	1,481,929	5%	2,662,090	9%	4,377,573	16%	-609,282	-2%		
RSU34 (Old Town)	2,341,544	19%	1,770,797	14%	1,699,091	13%	1,709,760	13%	1,846,419	13%	1,244,945	9%
RSU67 (Lincoln)	1,768,967	19%	1,433,738	15%	1,333,979	14%	1,207,701	13%	1,276,809	13%	1,363,863	14%
State	1,322,520	16.65%	455,454	17.10%	656,993	21.91%	883,416	22.46%	894,528	21.14%	1,031,526	19.82%



D-5-a.

TOWN OF HAMPDEN
TOWN CLERK'S OFFICE

COMMENTS ON:

Date of Council Action: 5/2/16

Public Hearing: Yes No X

- ☒ Application for Liquor License (renewal)
☐ Application for Victualer's License
☐ Application for Off-premises Catering
☐ Application for Outdoor Wood-burning Furnace License

requested waiver
of Public hearing
per ordinance

NAME: Anglers Inc Albert Hall
Business Name Individual

ADDRESS: 91 Coldbrook Rd PHONE: 862-2121

MAP/LOT: 22-4 DATE: 4/19/16

DEPARTMENT REPORT:

No concerns

DATE: 04/24/16

BY: [Signature]
Title:

BY: Fire Inspector
Title:



Anglers Restaurant requests a waiver of the public hearing in regards to approval of our liquor license renewal. Anglers has held a liquor license at 91 Coldbrook Rd for 5 years without incident and within the regulations of the town of Hampden is entitled to request a waiver of public hearing for approval of renewal. Thank you.

A handwritten signature in blue ink, which appears to read "John Moody", is written over a horizontal line.

John Moody

General Manager

Anglers Restaurant

91 Coldbrook Rd

Hampden, Maine 04444

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES

5/19/2016

INDICATE TYPE OF PRIVILEGE:



MALT



SPIRITUOUS



VINOUS

INDICATE TYPE OF LICENSE:



RESTAURANT (Class I,II,III,IV)

☐ **HOTEL-OPTINONAL FOOD (Class I-A)**

☐ **CLASS A LOUNGE (Class X)**

☐ **CLUB (Class V)**

☐ **TAVERN (Class IV)**

☐ **RESTAURANT/LOUNGE (Class XI)**

☐ **HOTEL (Class I,II,III,IV)**

☐ **CLUB-ON PREMISE CATERING (Class I)**

☐ **GOLF CLUB (Class I,II,III,IV)**

☐ **OTHER:**

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
<u>Anglers Inc.</u>		<u>Anglers Restaurant</u>	
DOB:			
DOB:			
DOB:			
Address		Location (Street Address)	
		<u>91 Coldbrook Rd.</u>	
		City/Town	State
		<u>Hampden</u>	<u>Maine</u>
		Zip Code	Zip Code
		<u>04915</u>	<u>04444</u>
Address		Mailing Address	
<u>60 West Evergreen Lane</u>		<u>91 Coldbrook Rd.</u>	
City/Town	State	City/Town	State
<u>Swanville</u>	<u>Maine</u>	<u>Hampden</u>	<u>Maine</u>
Zip Code	Zip Code	Zip Code	Zip Code
<u>04915</u>	<u>04915</u>	<u>04444</u>	<u>04444</u>
Telephone Number	Fax Number	Business Telephone Number	Fax Number
<u>207-322-5071</u>	<u>862-2120</u>	<u>862-2121</u>	<u>862-2120</u>
Federal I.D. #		Seller Certificate #	
<u>01-0531899</u>			

EMAIL ADDRESS: hampden@anglersrestaurant.net

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ None FOOD \$ _____ LIQUOR \$ _____

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
7. If manager is to be employed, give name: John Moody
8. If business is NEW or under new ownership, indicate starting date: _____
Requested inspection date: open Business hours: 11-8 Daily
9. Business records are located at: 91 Coldbrook Rd. Hampden, ME 04444
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
<u>Albert Hall</u>	<u>3/1/1956</u>	<u>Sandford, Maine</u>
<u>John Moody</u>	<u>12/11/1987</u>	<u>Milford, Connecticut</u>

Residence address on all of the above for previous 5 years (Limit answer to city & state)

Albert Hall - Swanville, Maine
John Moody - Belfast, Maine - Winterport, Maine - Hampden Maine

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☒ NO ☐

Name: John Moody Date of Conviction: October 12, 2011

Offense: OUI Location: Hampden, Maine

Disposition: _____

14. Will any law enforcement official benefit financially either directly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: Mortgage thru Camden National Bank

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) See Attached -

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .8 mile Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Camden National Bank

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20____
Town/City, State Date

Please sign in blue ink

Albert Hall
Signature of Applicant or Corporate Officer(s)
Albert Hall
Print Name

John Moody (GM)
Signature of Applicant or Corporate Officer(s)
John Moody
Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

STATE OF MAINE

Dated at: Hampden, Maine Penobscot ss
City/Town (County)
 On: May 2, 2016
Date

The undersigned being: ☒ Municipal Officers ☐ County Commissioners of the
☐ City ☒ Town ☐ Plantation ☐ Unincorporated Place of: Hampden, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, applicant may request a waiver of the hearing.

- A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
- B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd)]
- C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal within 120 days of the filing of the application. [1999, c.589, §1 (amd).]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
- B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
- C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
- E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
- F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of: [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing; the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

- A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

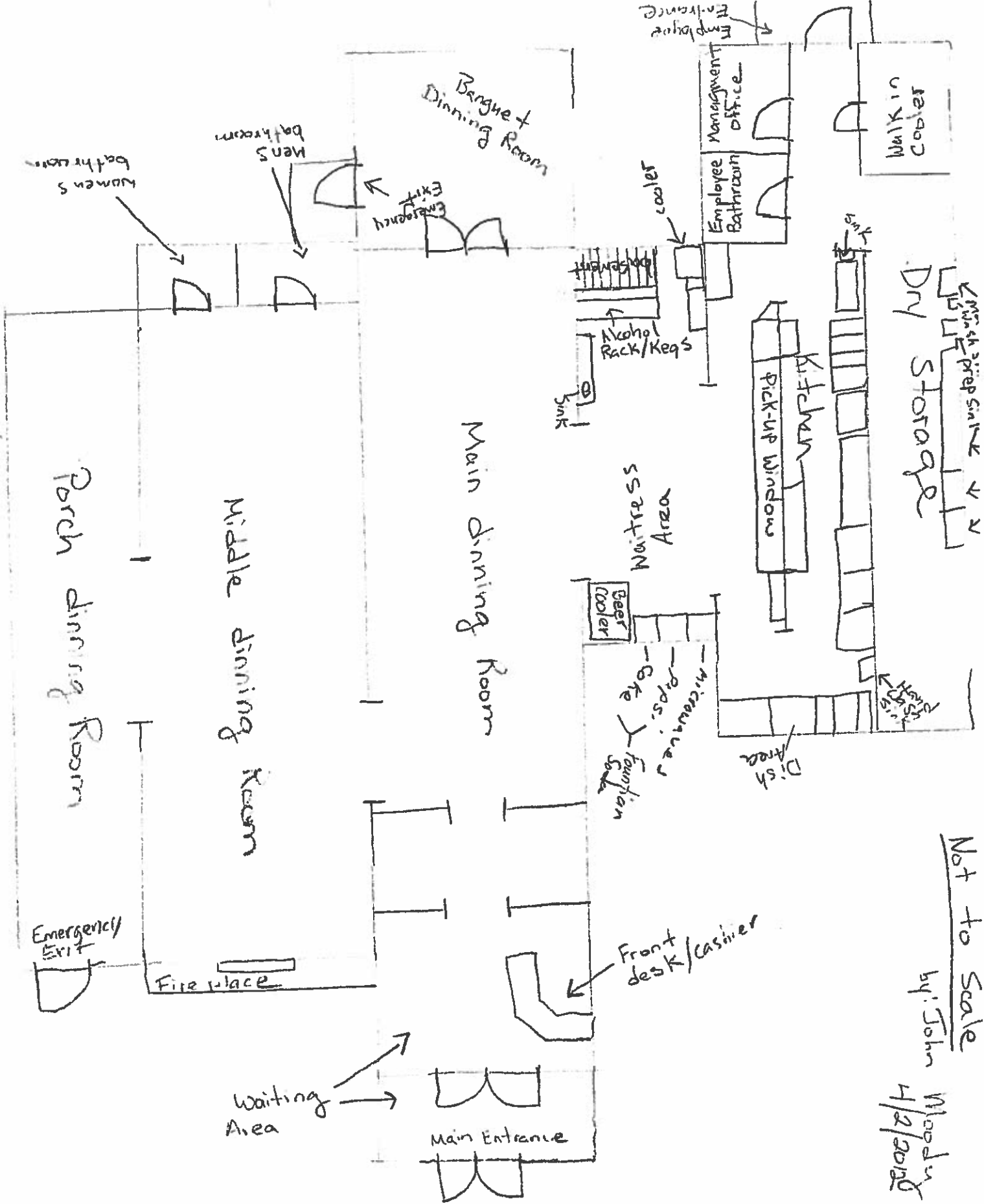
5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

FILING FEE.....\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.



Not to Scale
by: John Moody
4/2/2012



To: Angus Jennings, Town Manager
From: Dean Bennett, Director of Community Development
Date: April 25, 2016
Subject: Off-Premise Municipal Signs

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In accordance with the Planning and Development Committee's decision to move forward with amendments to the Zoning Ordinance that would clarify the purpose and intent of municipal signage, I have drafted the attached amendment.

The proposed amendment is to clarify the purpose and intent of the Town of Hampden to erect municipal signage in order to promote community amenities which attract and enhance tourism and development opportunity for Hampden businesses and citizens.

It is important to note that last June, the U.S. Supreme Court clarified when municipalities may impose content-based restrictions on signage stating "Municipal governments may not "restrict expression because of its message, its ideas, its subject matter, or its content", further stating "The content neutrality of sign ordinances must be determined on their face, and this requirement is governed by the rules that may invalidate many sign ordinances now in effect".

The sign provisions within Hampden's Zoning Ordinance, although not unlike many communities throughout the State, need to be reviewed and likely amended in order to comply with the Supreme Court ruling.

4.8.1. Off-Premises Signs - No off-premises signs shall be erected or maintained in the Town of Hampden except in conformity with 23 MRSA section. 1901-1925 the Maine Traveler Information Services Law. Off-premises official business directional signs may be located in the Town of Hampden in such locations and in such a manner as allowed under 23 MRSA sections 1901-1925 and under the rules and regulations of the State of Maine Department of Transportation. Provided, however, that off-premises official business directional signs for home occupations are prohibited. Authorization for official business directional signs shall be obtained from the Code Enforcement Officer (Amended 01/21/03) (Amended 2-4-16)

1. *Exception for property identification numbers* - Each residential premise is allowed a mailbox with the identification number of the property clearly marked on it. If the mail box is on the opposite side of the street of the house or if there is no mailbox, the premises is also allowed an MDOT approved sign post, or similar structure, with numbers that meet the standards of subparagraph a below. Such signs are also allowed on an adjacent parcel with written permission of the landowner. Amended 01/21/03
 - a. All non residential uses must display the identification number of the property. The area required by the number is not included in the calculation of the total square footage of the sign. Amended 01/21/03
 - b. Approved address numbers shall be placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Amended 01/21/03
2. *Exception for industrial subdivision entrance sign* - In Planning Board approved Industrial Subdivisions a sign marking each public street entrance shall be permitted. Such signs shall be limited to 70 square feet per face and shall only contain the name of the subdivision, the name of the public subdivision's street, and owner identification information. The sign may be located in the raised median of the entrance street provided that it is at least 20 feet from the nearest perpendicular traveled way and the sign itself creates no visual barrier from the ground up to a height of 6 feet. Amended 01/21/03
3. *Exception for industrial subdivision directory sign* - In Planning Board approved Industrial Subdivisions a directory sign marking tenants in the subdivision located near each public street entrance shall be permitted. Such signs shall: be unlighted, be limited to 50 square feet per face, not exceed five feet in height, and shall only contain the name of subdivision, information about the subdivision's management, and the name and address of each subdivision's tenant. The sign may be located in the public right of way provided that it is at least 100 feet from the entrance and does not create a visual barrier to individual lot entrances. Amended 01/21/03
4. *Exception for municipal signs promoting community amenities – Signs erected by the town of Hampden that promote community asset locations such as recreational trails, parks, historic areas, waterfront districts, picnicking areas, public access, and scenic views that are designated to attract and enhance tourism, promote and development opportunity for Hampden businesses and its citizens. Such municipal signs shall only contain the name of the location and/or its significance and listing of businesses or*

amenities directly associated with the designated location. Such municipal signs may be located in the public right-of-way or on an adjacent parcel of land with the written permission of the landowner. Sign shall be located so as not to present a hazard to pedestrian or vehicular traffic. Sign shall not exceed 12 feet in height and no more than 50 square feet total signage display area.



To: Angus Jennings, Town Manager

From: Dean Bennett, Director of Community Development

Date: April 25, 2016

Subject: Accessory Apartments

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In accordance with the Planning and Development Committee's decision to move forward with the allowance of accessory apartments in the Residential A District, at their meeting on April 20, 2016, I offer the following for consideration by the Town Council for forwarding the accessory apartment amendment to the Planning Board for review and comment.

In short, accessory apartments would be allowed in the Residential A District subject to the criteria listed herein. The review would follow the established Site Plan/Conditional Use process requiring Planning Board approval.

The issue at hand is the current allowance of the conversion of an existing single-family dwelling into a two-family dwelling in the Residential A District. However, the construction of a two-family dwelling is not allowed. The proposed accessory apartment provision herein would allow for the construction of a single-family dwelling with an accessory apartment, or the addition of an accessory apartment, subject to very similar criteria as that of a conversion.

These proposed revisions do not allow for the construction of a two-family dwelling in the Residential A District, but does provide relief for those with the need to house family members who wish to live independently.

Whether converting an existing single-family into a two family, or constructing a single-family with an accessory apartment, provisions are provided which require the appearance of the building to be that of a single family home, consistent with the character of the District.

3.7. Residential A District

3.7.1. Purpose - This district is intended for the development of low density single family housing types. While this district is predominately intended for detached housing the district may allow certain low impact civic and institutional uses.

3.7.2. Basic Requirements - All permitted and conditional uses are limited to 20% ground coverage maximum and 35 foot height limit unless noted.

3.7.3. Permitted Uses (Subject to Site Plan Review where applicable) - Single family dwelling, (including modular homes), home day care (subject to *Article 4.19*), accessory uses and structures, non-commercial park or playground, home occupation (subject to *Article 4.10*), essential service. (Amended: 8-22-94, 03-21-05)

3.7.4. Conditional Uses (Subject to Site Plan Review where applicable) - Church, nursing home, non-profit school, public schools, community building, government structure or use except storage or repair facility, two family dwelling, single-family w/accessory apartment, congregate care facility, buildings necessary for essential services. Animals other than usual pets provided the premise consists of at least 2 1/2 acres, and animals shall be kept a minimum of 50 feet from any property line. (Amended: 8-22-94, 1-21-97)

3.7.5. Lot Dimensions

	Public Sewer	On-site waste disposal
Minimum Area	- 18,000 sq. ft.	- 30,000 sq.
ft. Minimum Road Frontage	- 125 feet	- 150 feet
Minimum Setbacks:		
Street Yard	- 25 feet	-
30 feet Side Yard	- 20 feet	-
30 feet Rear Yard	- 20 feet	-
30 feet		

(Amended: 5-4-92)

Notwithstanding the above requirements, accessory structures which are not attached to a principal building may be located on a lot in accordance with the following:

Accessory Structures Ground Floor Area	Up to 250 Square Feet
Maximum Height	- 16 Feet
Minimum Other Yard	- 5 Feet

Once located in accordance with the foregoing requirements, said accessory structures shall not be attached to a principal building unless said structures are in compliance with the Other Yard requirement of the District. (Amended: 10-3-94)

3.7.6. Special District Regulation

1. Dwellings other than nursing homes and congregate care facilities shall be limited to a maximum of two dwelling units. *(Amended: 06-21-04)*

2. Two Family Conversions

Only existing single family dwellings may be converted to a two-family dwelling through addition or division. This provision prohibits construction of new two-family dwellings or complexes. Where a two-family dwelling conversion is proposed the second dwelling unit shall be subordinate to the first or primary dwelling unit. The size of the primary dwelling unit shall not be regulated by this standard. The finished floor area of the subordinate dwelling unit shall be at least 500 sq. ft. so that all subordinate dwelling units constructed under this provision shall be adequate in size. For properties in which the finished floor area of the primary dwelling unit exceeds 1,000 sq. ft., the finished floor area of the subordinate dwelling unit shall not exceed 50 percent of the finished floor area of the primary dwelling unit. *(Amended: 06-21-04)*

Where a two family dwelling conversion is proposed the Planning Board shall determine that design features that distinguish two-family dwellings from single family dwellings are avoided. Such designs may prohibit separate driveways, separate front door entrances, broken facades and other such distinguishing characteristics that call attention to the two-family use of the building and site development. The Board shall encourage creative use of common driveways, side door entrances, and traditional single family architectural elements. *(Amended: 06-21-04)*

Where a two-family dwelling conversion is proposed the Planning Board shall require a report from the Code Enforcement Officer making a determination that the proposed conversion meets applicable building codes and that the conversion is designed in such a way that the structure could easily be returned to a single-family dwelling, and detailing what building alterations are required to do so. *(Amended: 06-21-04)*

In addition to the minimum lot area requirements found in 3.7.5. two-family dwellings shall provide an additional 10,000 square feet in lot area.

In addition to the dimensional requirements found in 3.7.5. churches, schools, community buildings, nursing homes, and congregate care facilities which abut an existing residential use or district shall provide an additional 50% lot area and yards along the applicable property line(s). *(Amended: 1-16-96, 06-21-04)*

3. Single-Family w/Accessory Apartment

An accessory apartment is a small dwelling unit that is accessory and subordinate to the principal use of a property as a single-family dwelling. These standards are intended to allow the addition of one accessory apartment to a single-family dwelling only if such

addition will preserve the single-family residential character of the property. The following standards shall be met to create and maintain an accessory apartment.

a. An accessory apartment may be created in one of the following ways:

- i. By using space within an existing dwelling;
- ii. By building an addition onto an existing dwelling such that the addition is made part of the principal building;
- iii. By using space within an existing or proposed accessory structure that is within 50 feet of the single-family dwelling.
- iv. New construction

b. The accessory apartment shall not be considered to be a second dwelling unit for determining the required minimum lot area, or net residential density.

c. If the accessory apartment will be located in a building that doesn't conform to the setback requirements, the apartment must be constructed so that the building is not made more non-conforming. If the single-family dwelling is non-conforming with regard to use, the creation of an accessory dwelling will not make the single-family more non-conforming.

d. If the lot is served by public sewerage, both the single-family and the accessory apartment must be connected to the sewer system. If the lot is served by subsurface sewage disposal, the owner must demonstrate that the use conforms to the State of Maine Minimum Lot Size Law and that the sewage disposal system(s) for both the family dwelling and the accessory apartment complies with the Maine Subsurface Wastewater Disposal Rules.

e. In all cases, the accessory apartment shall be no larger than 40% of the finished and heated portion of the single-family home and have no more than one bedroom, and no less than 320 square feet.

f. Either the single-family dwelling or the accessory structure must be occupied by the owner of the property. At least one of the units shall be occupied as a primary residence.

g. Any exterior alteration of the single-family dwelling or accessory building or construction of an accessory building shall preserve the single-family appearance, architectural style, and character of the original structure and shall be in harmony with the general appearance of the neighborhood. Any alteration shall preserve the front entrance of the original structure to preserve the single-family character. A separate entrance for the accessory apartment may be created by shall be clearly secondary to the main entrance, such as but not limited to an entrance that is setback further from the road than the primary entrance.

h. At least three off-street parking spaces shall be provided on the property. At least one space shall be available for the occupant(s) of the accessory apartment. A garage may be counted as one space for meeting the parking requirement. The parking shall be located and designed to minimize the impact on adjacent properties and shall be buffered by landscaping and/or fencing from abutting residential uses if it is located in the side or rear yard. Where possible, a turnaround shall be provided to avoid the need to back out of the driveway.

4. Nursing homes shall not exceed a density of 25 beds per acre.
5. Churches, schools, community buildings, congregate care facilities, nursing homes, shall be served by public sewer and water service and have access and frontage on an arterial street.
6. Congregate care facilities shall not exceed 5 units per acre.
7. *Infill Uses of Existing Community Buildings.* Community buildings of which portions are occupied by qualified community educational, fraternal, cultural and recreational activities such as an auditorium, library, historical building, lodge, indoor swimming, performing arts, etc. may also infill their vacant space with low traffic uses such as a single residential apartment unit, business or professional office, a single storage space consisting of records management and other similar uses as determined by the Code Enforcement Officer. Nonresidential infill uses may not be open between the hours of 9:00 pm and 8:00 am, except for special events upon a prior determination by the Code Enforcement Officer that the proposed event will not be unreasonably disruptive to other occupied buildings in the vicinity. The Planning Board review of the infill use must determine that the existing site development can either function properly with no changes or the Planning Board must be provided with a revised site plan that details the changes to the building and site development that will function properly and with minimal disruption to the neighborhood and limited modifications to the existing site development and building. Existing community buildings are not required to satisfy the area and yard requirements of Article 3.7.6.6 to utilize the provisions of Article 3.7.6.10. *Amended*

10-29-2012.

Town of Hampden
106 Western Avenue
Hampden, Maine 04444



Phone: (207) 862-3034
Fax: (207) 862-5067
Email:
townmanager@hampdenmaine.gov

TO: Finance Committee and Town Council

FROM: Angus Jennings, Town Manager

DATE: April 28, 2016

RE: FY17 Budget Status

My work on the proposed FY17 Budget is well underway, but is not complete for inclusion in Monday's meeting packets. On or before Sunday, May 1, the date established by the Town Charter, I will circulate a proposed Budget and post to the Town website.

I'll present the proposed Budget at Monday's meeting as well as a schedule of proposed dates for Council review of specific Departmental budgets.

Sec. 603 Planning Board: Organization and Rules

- (1) The board shall elect a chairperson and a secretary from among its members and create and fill such other offices as it may determine. The term of offices shall be one year with eligibility for re-election.
- (2) When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that person's stead.
- (3) An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when so designated by the chairperson to sit for a member.
- (4) Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
- (5) The chairperson shall call at least eight regular meetings of the board each year.
- (6) No meetings of the board shall be held without a quorum consisting of four members or associate members authorized to vote.
- (7) The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations. All records shall be deemed public and may be inspected at reasonable times. *(Amended: June 2, 1982, November 6, 1990)*

Sec. 604 Planning Board: Comprehensive Plan - The town council shall approve no changes in the comprehensive plan without the recommendation of the Planning Board. Such recommendations may be overturned by an affirmative vote of five councilors.

**ARTICLE VII
FINANCIAL PROCEDURE**

Sec. 701 Fiscal Year - Effective July 1, 1985, the fiscal year of the Town shall begin on the first day of July and end on the last day of June of the following year. *(Amended: November 6, 1984)*

Sec. 702 Submission of Budget and Budget Message - On or before the 1st day of May of each year the Town Manager shall submit to the Town Council a budget for the next fiscal year and an accompanying message. *(Amended: November 4, 1986)*

Sec. 703 The Budget Message - The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include such other material as the manager deems desirable.

Sec. 704 Budget - The budget shall begin with a clear summary of its contents. It will show in detail all estimated income and all proposed expenditures, including debt service, the actual and estimate portion of the SAD #22 Budget allocated to Hampden, the estimated and actual portion of the Penobscot County budget allocated to the Town of Hampden and the proposed tax levy. It shall provide a complete financial plan of all town funds and activities for the next fiscal year and except as required by this Charter, be in such form as the Town Manager deems desirable and the Town Council may require. It will be so arranged as to show comparative budget and expenditure figures between the proposed budget and the prior and current fiscal year budgets. It shall indicate in separate sections as follows: *(Amended: November 5, 2002)*

- (1) Proposed expenditures for operations detailed by offices, departments and agencies for the next fiscal year; and
- (2) Proposed Capital Expenditures detailed by offices, departments, and agencies for the next fiscal year; and
- (3) Anticipated net surplus or deficit for the next fiscal year of each utility owned or operated by the Town, if any, and the proposed method of its disposition; subsidiary budgets for each utility giving detailed income and expenditure information shall be attached as appendices to the budget. *(Amended: June 2, 1982)*

THE TOTAL OF PROPOSED EXPENDITURES SHALL NOT EXCEED THE TOTAL OF ESTIMATED INCOME.

Sec. 705 Capital Program

- (a) *Submission to Council:* The manager shall prepare and submit to the council a five-year capital program at the same time as the manager submits the budget. *(Amended: November 6, 1990)*
- (b) *Contents:* The capital program shall include:
 - (1) A clear general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (3) Cost estimates, methods of financing and recommended time schedules for each improvement; and
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 706 Council Action on Budget

- (a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the town the general summary of the budget and a notice stating:
 - (1) The times and places where copies of the message and budget are available for inspection by the public, and
 - (2) The time and place of the public hearing on the budget. The public hearing shall be held no sooner than two weeks after said publication but in no case later than the third Monday in June. *(Amended: November 6, 1984)*
- (b) *Amendment Before Adoption.* After the public hearings the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

- (c) *Adoption.* On or before January 1, 1985 the town council shall adopt a budget for the period from January 1, 1985 to July 1, 1985. Thereafter the council shall adopt the budget before the first day of July each year and if it fails to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. *(Amended: November 6, 1984)*

Adoption of the budget shall be done by council order listing a chart of accounts and shall be enumerated by appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed. *(Amended: June 2, 1982)*

Sec. 707 Council Action on Capital Program

- (a) *Notice and Hearing.* The council shall publish in one or more newspapers of general circulation in the town the general summary of the capital program and notice stating:
- (1) The times and places where copies of the capital program are available for inspection by the public,
 - (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.
- (b) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing and before the 1st day of July. *(Amended: November 6, 1984)*

Sec. 708 Public Records - Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town.

Sec. 709 Amendments After Adoption

- (a) *Supplemental Appropriations.* If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by emergency ordinance authorize the issuance of temporary notes which may be renewed from time to time, but the temporary notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and a recommendation as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution or order reduce one or more appropriations. *(Amended: November 6, 1990)*
- (d) *Transfer of Appropriations.* At any time during the fiscal year the manager may transfer part or all of any unencumbered funds within an appropriation. Upon written request by the manager, the

council may by affirmative vote of five members transfer part or all of any unencumbered appropriation balance from one appropriation to another.

- (e) *Limitations: Effective Date.* No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 710 Lapse of Appropriations - Every general fund appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any activity or encumbrance of the appropriation by the council.
(Amended: June 2, 1982)

Sec. 711 Administration of Budget

- (a) *Work Programs and Budgets.* At such time as the manager shall specify, each department, office or agency shall submit the work programs for the ensuing fiscal year. The manager shall review and authorize such budgets with or without revision as early as possible in the fiscal year. The manager may revise such budget during the year if the manager deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriation made pursuant to Section 709. (Amended: June 2, 1982, November 6, 1990)

- (b) *Payments and Obligations Prohibited.* No payment shall be made or obligation except in accordance with appropriations duly made and unless the manager or designee first certified that there is a sufficient unencumbered balance in such appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this charter shall be void and any payment so made illegal; such action shall be cause for removal of any official who knowingly authorized or made such payment or incurred such obligation, and that official shall also be liable to the town for an amount so paid. However, except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinances. (Amended: June 2, 1982, November 6, 1990)

Sec. 712 Annual Post-Audit - Council shall each year appoint a certified public accountant for the purpose of conducting the annual post-audit of the prior fiscal year municipal finances, as authorized by law. Said audit shall be received in its entirety within the first quarter of the ensuing year. (Amended: June 2, 1982)

ARTICLE VIII NOMINATIONS AND ELECTIONS

Sec. 801 Conduct of Elections - The regular municipal election shall be held on the Tuesday following the first Monday of November in each year. Except as otherwise provided by this charter, the provisions of Title 21-A of the Maine Revised Statutes shall apply to elections held under this charter. All elections called for under this charter shall be conducted by the election officials established under Title 21-A. In the event that this charter or Title 21-A do not address a particular election matter, any relevant election provision of Title 30-A of the Maine Revised Statutes shall apply. For the conduct of elections, for the prevention of fraud in such elections and